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THE ETHICAL BASIS OF THE STATE

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THE ETHICAL BASIS OF THE STATE

By

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PREFACE

THIS book is a study of some of the ethical aspects of the problem of the State. It contains no plan for social or political salvation, and therefore may seem to have no excuse for existence. It has seemed to me, however, desirable that before we attempt to reform or abolish the State, we should have as clear an idea as possible of the nature of it, and of the social purpose it has served. It is as a contribution to the study of such preliminary ethical questions that this book is offered. No attempt at originality has been made. If the book has value, it is as an untechnical exposition of principles more or less clearly recognized since the time of Plato and Aristotle. The justification for a popular treatment of these principles at this time is to be found in the fact that discussion of political theory is no longer confined to experts, but is a matter of universal interest. Everywhere groups are being formed for the study of political problems, and if this little book can make some contribution to the understanding of the principles of political obligation it will have served its purpose.

Chapters VI and X of the present volume originally appeared in the *International Journal of Ethics*, of which fact I here wish to make acknowledgment.

NORMAN WILDE

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PART ONE

HISTORICAL

I

THE PROBLEM

EVERY person in modern life is a member of various organizations or groups held together by common interests. He is a churchman, or a college man, or a union man, or a member of a business association, or of a fraternal order, or of all at once. He belongs to these voluntarily by virtue of his special interests, finding in each the things his life needs. But there is one organization, membership in which seems not to be a matter of choice, so far, at least, as the individual is of a certain birth and geographical location—one organization into which a man is born—that organization is the State. A man born in a certain territory is, by virtue of the fact, a citizen of the enclosing State: and even if he change his residence and move to another country of which he is not a citizen, he yet is subject to some, at least, of the laws of that State and is participant in its privileges. We need not join a church in these modern days, or, perhaps, even a union, but we cannot escape membership in a State.

And in this striking feature of its compelling power the State separates itself sharply from all other groups. The authority of other organizations we can evade at the cost of resigning from their membership, but the authority of the State cannot be thus escaped. It alone can determine the conditions under which we can carry on our lives, it alone can put its hands into our pockets

and take what it likes, it alone can reach into our families and conscript whom it will for its service. Its commands are not made conditionally, but absolutely: it is not, "do this if you please," but "do this whether you will or not." Not persuasion, but force, is its method. It seems to represent the necessary structure of our social environment of which we must all inevitably take account in fashioning our individual lives. Indeed, of the popularly coupled inevitables, death and taxes, most of us live as if the latter were the more necessary of the two. Old Thomas Hobbes did scarcely more than express this common feeling when he spoke of the commonwealth as "that great Leviathan, or rather, to speak more reverently, that Mortal God to which we owe (under the Immortal God) our peace and defense."

That there should be such a political fate determining the general social structure of our lives is usually not a question for us. We are accustomed to the fact that there is a power protecting life and limb and property; that taxes must be paid; that certain forms of doing business are illegal; that a standard of social decency in word and action must be maintained; that the life and honor of the nation must be protected from social aggression. We have become so accustomed to this social environment that we accept it without question and its pressure forms no handicap. Use and wont have formed in us the political habit as part of our intimate essential selves, no problem, but a matter of course fact.

But, of course, even habits and our selves become problems during times of abnormal growth in us or of rapid changes in the environment. New interests de-

mand new habits and new situations demand readjustments. The State, embodying as it does, in the main, the historic tradition and the public opinion of the people, is essentially a conservative force, a residuum or precipitant of the interacting lives of individuals and, like all habits, not only essential, but detrimental, to progress. Our habits bind and cramp us, compelling criticism and a reconsideration of values, and, in like manner, our political constitutions and the very habit of the State itself, at times are called in question by new movements of social growth. Life demands room for expansion and feels the pressure of social law as threatening its very existence. What the character of the struggle will be depends on the nature of the threatened and protesting interest. In the sixteenth and seventeenth centuries it was the religious interest that furnished the apparent motive. The Church-State of the Middle Ages had ceased to meet the needs of the new self-conscious nations of Northern Europe and the Protestant Revolt in its political and religious aspects was the result. While to a large extent this was only the substitution of national religious conscience for an imperialistic Catholic one, there was, nevertheless, a forcing of the issue between the political power of the State and the freedom of the individual conscience wherever sovereign and people were of varying religions. The history of Catholic, Quaker, Presbyterian and Dissenter in their relation to the English Church is a record of this struggle, as is the struggle against Erastianism within the church itself. It is easy to say "Render unto Caesar the things that are Caesar's," but the vital problem is as to who

is to make the division, Church or State, individual or public conscience. Now that the State has largely withdrawn its claims, and religion has increased in inwardness, the issue is losing its vitality, but one cannot call it settled.

Hardly has the religious conscience ceased from troubling than the State has had to meet a new rival for power, the struggle with which promises to surpass all others in seriousness. Of the earlier conflict it might be said that the rightful issue was already implied in the true ideas of the respective combatants as representing two distinct aspects of life, the eternal and the temporal, the inner and the outer. A natural division of territory might thus seem to be indicated, however difficult it might prove in detail to mark out the boundaries between the kingdoms of God and of this world. But in the case of the new challenge no such obvious division suggests itself, for industry, to use a general name for the new movement, belongs to the same external world as the State and uses the same material means for its ends. Sword and gun, hammer and spade are made of the same steel and meet in the same space, no obvious evasion of the issue suggests itself.

Just what that issue has come to be, it is not wholly easy to say. There is a confused medley of voices crying out for justice and for change, threatening capital, accusing the government, decrying the State, but there is no clear statement of what it is that labor wants, only the overwhelming evidence that labor wants many things it has not got and that its will is set to get them. But while there is diversity of demands there is one

feature which marks them off sharply from the earlier movements of the last century, and that is distrust or neglect of the State. The present problem is not that of giving the laboring man a vote. He has it, but he has lost faith in it, and he is beginning to look to other means than the ballot for getting what he wants. Not that he in all cases ignores it, but that he at least recognizes that in itself it is not the means of complete salvation and needs other forces to make it effective. Political power, he has come to recognize, rests on economic power, and it is on this that he has now set his heart.

Granted this common shift in the center of interest, however, there are wide differences in the attitudes taken toward the State. There is, first, the ordinary reform attitude, involving the attempt to organize and educate class sentiment to the end of obtaining effective influence upon legislation in the interests of industry. No special political problem is raised by this tendency which merely carries further the radical movement of the last century, and is rapidly giving way to more real ideas. Nor is any political novelty essentially involved in the demand for the democratization of industry by the placing of industrial management in the hands of the workers instead of in those of the owners of capital. Such a change might be purely economic and compatible with the present constitution of the State, though as matter of fact, advocates of the plan usually conjoin it with some form of industrial political control. In itself, however, it may be merely a demand for the abolition of the wage system and the freeing of the worker from the economic control of capital.

Involving less apparent organic change, economically and politically, yet more radical in its implications, is the growing tendency, especially in Great Britain, to favor direct action in obtaining political ends, or rather, direct action for obtaining economic ends through forced legislation. In our own country the passage of the Adamson Act under threat of strike is the most familiar instance, but in England the menace of direct action has become a recognized method of extorting concessions from the government, not only for immediate economic purposes but, as in the case of Irish freedom and the Russian blockade, for political ends only indirectly connected with these. Here the decision is not left to the judgment of the ministry or parliament with their ears turned toward the electorate, there is no pretense that the majority speaks through the unions; but a special class announces that if its will is not done it will be the worse for those who oppose it, primarily for the electors who suffer the inconvenience and, through them, for the ministers who have failed to protect them from the calamity. The procedure is the same as that of the unruly child who, in spite of the actually superior numbers and strength, and perhaps wisdom (though this from the outcome appears questionable) of his family, is able to get his own way by making the way of his parents hard. Or, to use an illustration from a sphere apparently more dignified, it is the method of the log-roller or professional politician demanding his *quid pro quo*, or of anyone who gains his ends by the use of considerations not relevant to the issue in question. Not that direct action is always an irrelevant substitute for

a reason, but that when used as a general political method for influencing the electorate or the government it tends to become so. Not, too, that such irrelevant substitutes are not usual in daily life—for who of us relies upon pure reason for influencing his friends?—but that it is well to be clear as to just what the method involves when made general.

But more significant theoretically than this concerted pressure upon public opinion is the implied attitude toward the State as represented by the political organization of government. While not explicitly ignoring the government and substituting for it the federation of trade unions, there is the growing tendency to act as if the former were to be regarded as the servant of the latter, or as if, at least, the two were coordinate and could treat on equal terms as independent sovereign bodies. This would mean more than the struggle of citizen with citizen for the control of the State by the capture of votes, it would involve a new conception of the nature of the State and its relation to its territorially included groups; and it is this theoretical problem of the nature and authority of the State that is being forced upon us today by these new developments in industry.

In the English-speaking world the tradition of political action is so strong that these implications of a new form for the State have remained as yet largely implicit. Only guild socialism, as we shall see later, has attempted to work out in detail the new ideas and to suggest a plan of cooperation between the old political State and the modern organized industries, a plan far more congenial to the Englishman's independent temper than

the older forms of state socialism have ever proved to be. Political and economic questions are to be strictly separated and industry is to be wholly self-governed, the sphere of the State being narrowly restricted and its power limited.

But while British conservatism has as yet gone no further than to suggest theories of a new State, Russian radicalism has experimented in its construction. It is difficult to speak with certainty as yet of the Soviet Government, but in its idea it seems to represent an inversion of state socialism, in that, while the latter demands the control of industry by the State, the former insists that the State make way for industry. This way of stating it may seem to resolve the difference into one of Tweedledum and Tweedledee, but such is not the case. The difference in emphasis and approach is intended to make a real difference in the character of the single body which is both State and industry at once. The political approach made by state socialism, like most political schemes, tends to centralize power, to ignore individual differences and to place the control of affairs in the hands of those not necessarily actually concerned in them. It implies a unitary, autocratic, all-determining State under the auspices of which industry is to be carried on. The soviet idea, on the other hand, takes as its unit the small self-governing industrial group and out of the combination of these builds its collective or federal industrial State. Decentralization, the recognition of individual differences, the lodging of power in the hands of those directly concerned, in short, the characteristics of ideal democracy are those claimed by the soviet for its indus-

trial State. Whether these ideal characteristics are realized or not, it is clear that we have here an attempt at political reorganization that challenges our customary notions of the nature and functions of the State. So, too, in syndicalism, the "organized anarchy," a closely related but more negative, movement, we have another thought-provoking theory.

But although the most serious rival of the State is industry in its new forms, one cannot omit in even a brief enumeration of its troubles all mention of the conscientious objector; for, in spite of the fact that there are relatively few of him, we shall find that his attitude raises some of the most fundamental questions of the relation of the State to the individual. Indeed, there might be truth in saying that after all the great rival of the State is really the individual, and that its essential problem is that of adjusting the public and the private aspects of life so that freedom of personality shall not be sacrificed to the external conditions of its realization. For the term conscientious objector only expresses the negative aspect of the age-long demand for freedom of thought and expression which found voice earlier in the demand for religious freedom, and during the late war in resistance to conscription, while to-day it makes itself heard in the struggle for freedom of the press and public discussion.

These, then, are some of the aspects of the many problems that have been forced to the front by the changing social structure of the last twenty-five years and which center in the fundamental problem of the place of the State in the life of today, its nature, its function, its

limits and its authority. Is the State a transitory form of social organization destined to give place to some form of industrial association, or is it one of the permanent structures of society and essential to its growth? Are its functions strictly limited and should industry be excluded from its supervision, or is it a super-organization different in kind from all other associations? Has the individual any rights against the State or does duty demand implicit acceptance of its authority? These are not primarily problems of the internal organization of government, of political science in the stricter sense of the term, but of the idea of the State itself and of its justification, of the ethics of the State. For if the State is to endure it must be because it meets an essential need of human nature, and if it is rightly to exercise authority it must be because it is in some way connected with human duty. In the following chapters, then, these general questions will be considered in their relation to the fundamental ethical principles which lie at the basis of human life.

II

THE STATE AND ITS HISTORY

WE are apt to use the term State in a rather loose way as synonymous with nation or people or even province, but for purposes of criticism it must be defined more closely, however difficult the process may be. Perhaps the most obvious fact of usage is that the term is applied to groups of a relatively advanced stage of civilization and organization. We do not speak of the African or Australian native peoples as constituting States, or of the States of the Homeric age, or of early Indian groups, although these people exercised most of the powers now embodied in the modern State. Indeed the powers of the early tribe were more rather than fewer, and its authority greater rather than less; life, death, property, marriage and religion being absolutely in the hands of the tribal group. Every essential feature of his life was determined for the individual: he was born, he lived, he died as sacred custom prescribed. There was no destructive individualism in those beginnings of social life, but the whole was instinctively, unquestionedly the presupposition of the parts. And it is in these very characteristics that we get the essential distinction in principle between the early tribal organization and the State; the former is based upon custom and exhibits little specialization of function, the latter is the expression of reflection and therefore shows increasing specialization and delimitation of powers. In-

stead of tradition, without historic origin and principle of growth, we have laws of known history and changing character; and in place of the all-embracing authority of the elders of the tribe, we have the fixed constitution and the definite prescription of political rights. Reflection has supervened upon instinct and, while the concentrated absolutism of the tribe may be repeated in some forms of the State, it is done consciously and of purpose and with recognition of the situation involved. Government as a special function has come into existence and political organization has been distinguished, if not separated, from the religious and economic. In this sense the State is a product of civilization rather than of nature, an association or an institution rather than an unconscious growth.

In a similar way the State is distinguishable from the nation, which is simply the tribe grown to maturity and become relatively complex and self-conscious. Of such a civilized tribe, or group of tribes, the State represents the specialized function of government. Abstractly considered, there might seem to be no reason why the state group should coincide with the nation group, why a group of nations should not decide to have a common government or why a single nation should not divide itself up into locally independent States; but concretely and historically, wherever the sense of nationality has been definitely developed, political organization tends to follow national lines. And naturally enough, for government means unity of control, and this is permanently possible only on the basis of such a unity of life and interests as has heretofore been embodied in the nation.

While, therefore, historically the tribe may not have developed peacefully into the nation and organized itself of its own motion into the State, it would seem to be true that the nation has furnished the natural basis upon which the State has most securely rested during the great periods of its history. The State may have originated by conquest and extended its limits by violence, but inevitably the growth of national self-consciousness has brought about an approximation between the boundaries of State and nation.

Just what constitutes a nation it is hard to say with finality for apparently no one characteristic is essential. Certainly mere unity of blood is not sufficient, nor is it necessary, nor, indeed, in view of the facts of racial mixture, does it seem even possible or desirable. No nation could be more distinctive than the English, in spite of its mixture of elements; and no group less significant than the Basques, though few perhaps purer in their blood. The important features are not biological but psychological and social, a nation is such as it feels itself one, and not merely as it may actually be of a common stock or have certain common ethnographic traits. And this unity of feeling and understanding, while conditioned largely by language, is essentially constituted by a common habit of living and acting together which in time develops a memory and a tradition and, becoming self-conscious, reveals a common interest and purpose. In determining the boundaries of these groups, geographical conditions and the food supply are probably fundamental; in developing a consciousness of unity and interdependence, war plays a great part, while in

the heightening of feeling and the preservation and development of a national tradition, religion and literature are significant; but however it may be attained, we have a nation wherever we have a group with this more or less vaguely defined sense of a common way of life, a common body of interests, a common purpose to be maintained and defended against alien groups. What this unifying soul of the nation is, the individual members of the group would find it hard to say, just as the individual members of a family would be at a loss to say just wherein their family spirit was to be distinguished from that of their neighbors. Yet there persists the sense of a difference, certain elements of which through analysis can sometimes be made explicit.

But while it is true that some of the more obvious points of difference between nations can be defined, such as the economic, it is also true that a large part of them consists of instinctive and irrational features that do not admit of definition and therefore of discussion. They are brute facts, products of use and wont, generated by mere living together and not by calculations of what may or may not be for the common interest. It is this instinctive factor that gives coherence to nations and makes them the natural bases for the State. The possibility of transcending the limits of nationality and creating a larger grouping or a political world organization depends largely upon the degree to which the life of reason can replace, or supervene upon, that of instinct; and men be brought together, not upon the basis of physical habits, but on the ground of the unity of a reflectively formed purpose. The cat-and-dog atti-

tude must give place to human relationship before we can hope for more than a suspicious nationalism.

But whatever be our belief as to whether the limits of State and nation should coincide, it is clear that they may not, and that the two terms represent different ideas. The Polish nation was a reality during the long years when the Polish State was only a memory or an aspiration, and the Austro-Hungarian Empire was a fact to which there corresponded no national reality. If we think of the national character as being the soul of a people, we may speak of the State as being its will, as the soul unified and realizing itself in action, making its ideas effective in the world of external reality. It is the nation organized for self-control and external defense, the nation, not merely thinking as a mass of individuals bound together by instinct and custom, but acting and compelling all its members to contribute to the carrying out of its purpose. Government we might almost say is merely a committee formed for the purpose of carrying on the public business. A nation without its corresponding political organization is like a debating society without power of action, or like a soul without a body. Art, literature and religion may perhaps exist in a certain degree of development, but there is lacking the means for effective control of the conditions necessary for their preservation and highest advancement.

Definitions of the State are numerous enough and usually embody some special type of political theory. A standard definition is that of Willoughby, the State is "a supreme authority exercising a control over the social

actions of individuals and groups of individuals, and itself subject to no such regulation."[1] Here the sovereignty of the State is emphasized. A more explicit statement is made by Holland, "A State is a numerous assemblage of human beings generally occupying a certain territory, amongst whom the will of the majority, or of an ascertainable class of persons, is, by the strength of such a majority or class, made to prevail against any of their number who oppose it."[2] In this the important aspects are the relation of the State to territory, the necessity of a definite sovereign within it and the presence of force. The definition of Burns is simpler and calls attention to the racial aspect, the State is "that political organization which is not subordinated to any other and which generally unites men of the same race and language."[3] The term political used here is virtually synonymous with State as it is derived from the Greek *polis* or city state, the organized commonwealth, the people in their corporate capacity. It thus characterizes the city or nation as a unity as distinct from the individual or groups within its limits, political action or organization is that of the whole.

It is on this question of how far the modern State is a real unity, internally as well as externally, that we shall find recent political theories dividing, the more orthodox insisting that the political organization represents a united or real national will embodying the essential instincts and purposes of its members, while the more radical find in the State only an external unity im-

[1] *Nature of the State*, p. 3.
[2] *Elements of Jurisprudence*, 6th ed., p. 40.
[3] *Morality of Nations*, p. 27.

posing itself on the public by force, fraud or the power of habit. The real interests of the people, they contend, are expressed in the smaller more intimate groups, religious, fraternal, professional, artistic, industrial, and over these the State exercises an arbitrary and largely detrimental power. It is only in its external relations that the State presents a unified aspect; within, it is a chaos of contending groups and classes among which now one, now another, attains supremacy and masters the others. This division within the State is suggested by Holland's definition given above, it is intended by the statement of Laski that the State "is always a territorial society in which there is a distinction between government and subjects" and by his insistence that there are "social relationships which cannot be expressed through the State," but must by their nature be matters of private or voluntary concern.

But while the orthdox tend to ignore it and the radicals to exploit it, the fact of the existence of opposition within the State is admitted by both. Whatever else the State may be, and upon whatever ground it may be based, there can be no question that power is of its essence. The State, for good or ill, is a dominant organization exercising forcible control over its members. There is always, as Laski says, a distinction between government and subjects, a distinction not so evident in a democracy as in a despotism, but yet real and important in every form of political organization. Wherever there is a State there is an organization by which people are forced to do many things they do not wish to do, an organization which, even in the most democratic

of States, is physically unable to conform its acts to the wishes of its members and, in more despotically constituted nations, has no desire to do so. This friction and conflict, this sovereignty and subjection, this authoritative control, sets the central problem of political theory. Just as in morals the fact of obligation, the duty of the individual to submit to moral law, is the key problem in ethics, so in the theory of the State this problem of authority is fundamental. To understand the basis of political obligation is to have the key to the problems of the nature and sphere of the State.

Before considering the question, however, it is well to glance at the preliminary historical questions as to the origin and development of the State, for we are so used to its existence and functioning that we often forget that it has had an origin or that its functions have ever been other than we find them today. Yet the State of today is a relatively modern thing and we can get much light on its nature and possibilities by looking at some of the forms it has assumed in the past. Only in doing so we must be careful not to confuse this historical question of origins with the moral question of values. The fact that the seed was planted by a rogue does not determine the value of the corn that grows from it, though it may affect its growth and quantity if planted in ignorance and carelessness. Nor does the fact that the men who effected the French Revolution were not all pure-minded patriots, interested solely in the good of their country, settle the question as to whether the new order was better or worse than the old. A liar can speak the truth, a murderer can save a child, and deeds done

through violence may establish conditions worthy of perpetuation. This is not to say that these things might not have been done better if honesty and skill had been present at their doing: it is only to point out the familiar truth that an honest man and a rogue may be served by the same spoon. Our problems as to the value of the State as a present social organization can not, therefore, be settled by any study of its origin. It may have first been established by cutthroats or by angels, for purposes of private gain or for the eternal salvation of its members, but the vital question for us is as to what good it is now and how it may be improved and its ideal realized, and this can be determined only by reference to the part it can play in the life of today.

Rousseau recognized this distinction in the famous opening to the *Social Contract*, at the same time modestly confessing his historical ignorance: "Man is born free, and everywhere he is in chains. One thinks himself the master of others, who does not fail to be more of a slave than they. How did this change take place? I do not know. What can render it legitimate? I think I can tell." It is the legitimacy of social control which interests him, be its ancient origin what it may. But before his time there had been an almost universal tendency to confuse the two issues, apologists for the State feeling it incumbent on them to lay bare its divine origin or else, later, its origin in the voluntary choice of the people expressing itself in a social contract. And even today, after a century of historical studies, there is a recurrence of the confusion in the tendency of the critics of the State to support their attack upon it by

pointing to its origin in the violence of the struggle for class control. It was, they say, a product neither of God nor of the people but is only the stabilized result of a struggle for power between tribe and tribe or rich and poor, resting not upon a desire for justice or an interest in the common good, but only on robber violence and the interest in plunder. As the inheritors of these ill-gotten gains, therefore, the modern State is itself criminal and its authority without justification.

When we lay aside our prejudices, however, and study the origins of the State with a purely historical interest we find it is fortunate that the question of value can be separated from that of origin, for the latter question is not easily answered, or, at least, does not admit of a single universal answer. As in all cases of the beginnings of things, we find ourselves lost in the obscurities of the pre-historic or the semi-historic and are forced to content ourselves with the probable rather than the certain. And on this level we can recognize that the older theories of a formal establishment of society or the State are not tenable, and that it is not possible to point to a definite act or date as marking the beginning of a complete and actual State. We may also perhaps accept the idea that the change from the tribal rule of custom to the dominance of a specific ruling group was made, not by the slow and natural development, but by virtue of conquest or the efforts of a class to hold or ensure power. So long as the tribal rule is based on tradition it is not felt or questioned, but when it is extended from one tribe to another it stands out as a distinct factor and its authority is recognized as resting on power.

So, too, when a group within a tribe, grown powerful through wealth or war, is impelled to extend its power or make it safer, there may be organized a ruling group, consciously and obviously a government as distinct from the former, almost domestic control. Not that the new order of things is systematic, constitutional, definitely national, a completely organized State; but that the function of government has been separated out from its associates and is on the way to its later developments. Its later changes are largely in the direction of a stricter definition of function and sphere and a closer relation to the body of the people. But the first step is taken wherever we have a people consciously controlled, and this is most likely to happen under the stimulus afforded by the shock of war or inner revolt. That the transition must have been in all cases a violent one, cannot be asserted, the new species may have arisen through unnoticed minute changes, but the history of political development in later times does little to confirm a theory of peaceful origins. Though the revolutionary theory of progress is untenable in its extremes, it has only too much to suggest it in the bloody history of the State.

Turning from these mooted questions of the origin of the State to the firmer ground of its history, we find that it has gone through many changes from the times of the Greek city to our own day, changes not only in governmental forms, but in the very idea of its function and scope. At times it has seemed to absorb the whole national life and to be its organized culture, at other times it has shrunken to a mere shell of its former self, to being but the mere police force of the nation, and an

ineffective one at that. Again, it has lost its definite form and become a confused mingling of conflicting forces, unsure of its proper limits. In such a position it is today, and it will clarify our ideas somewhat as to its desirable functions to look at the part it has played in the past.

The starting point for any such study is the City-State of the Greeks, the small, compact group which Aristotle said ought not at most to consist of more than ten thousand citizens with their families and slaves. It was a group hardly beyond the tribal stage in its unity, compactness and community of tradition. It was one in blood, religion and type of culture. It is not to be wondered at, therefore, that its political life was not sharply distinct from its cultural life and that the State exercised all those functions which later gave rise to distinct institutions for their embodiment. It was the State that not only made war and preserved order, but also encouraged art, guarded religion and provided those games and festivals which were at once aesthetic, religious and educational. Life was essentially civic and public, lived in the open, so to speak, and everything was possible matter of common interest and debate. Special organizations were not wholly absent; it is too much to say that the individual had no private good, but such special interests were looked upon with suspicion by the State and it was felt that private good was not separable from public. Family life, it is true, involved centers of interest apart from the State, and family piety meant sometimes collision with public religion, yet the field for the display of family ambition was the public service and

the duties of domestic piety were not often in conflict with the State. Plato, indeed, saw in the private family a distinct menace to the unity of the State and would abolish it in the case of the members of the ruling caste in order that family ambition might not divert them from their interest in the public good. This counsel of perfection was perhaps rather a prophecy of what might be necessary in the future than an expression of an already developed condition, but it indicates vividly at least the old Greek sense of the State as the highest and all-inclusive object of devotion and the suspicion of all lesser groupings that might distract the individual from its service.

With the State thus penetrating and sustaining all the activities of life it could be looked upon not as a separate good, a possible rival or supplanter of other goods, but as the all-inclusive good, the condition and crown of all social life. To repudiate or question the State, a man must repudiate or question his art, religion, social life, traditional culture, all that made him truly human and gave interest to his daily life. It was his church, art gallery, club, union, theatre, and without it his life would have no meaning or interest. An institution thus intimately pervasive of the spiritual atmosphere of the times may well be called absolute.

But the State did not long retain this position. Already in the age of Plato and Aristotle, exalters as they were of its dignity, individualism was setting in and the close bonds of the city-state were loosening. First Alexander's Empire, and then the Roman, deprived Greek political life of its independence and made the

State a thing impersonal and remote from the daily interests of the individual. There was no longer a unity of blood, tradition and religion, so that within the international organization of the Empire there grew up associations, religious, educational, expressive of other interests than the political. The individual came to have a life increasingly independent of the State, though subject to its power. By virtue of its very size the Roman Empire became rather a preserver of order than the medium of a spiritual life. It is true that for long there was an official religion, a patronage of art and a provision for games, but these were increasingly official merely and not expressive of the life of the people. And soon within this political framework there grew up the Christian Church, absorbing into itself more and more of the spiritual interests of the masses and becoming, in the decline of the Empire, not only the home of all culture, but the maintainer of order. The organizing principle of life was no longer political and earthly, but religious and heavenly—it was the Church and not the State that was absolute, the embodiment of human good.

But while the world Church was thus supplanting the world State during the late Roman and the mediaeval period, there was growing up a host of minor associations and corporations, military, educational, industrial, which were largely independent of both the larger bodies. Petty lordships, principalities, military orders, craft guilds, represented powers and interests which, while nominally dependent on higher powers, were actually not derivative from them but tended to become substitutes for them. A varied and significant life was grow-

ing up, educated and spiritually guided by the Church and respectful to the State, yet standing solidly on its own interests and deeds. Mediaeval society had no one, or even two, dominant institutions, but was a plurality of groups only loosely coordinated by State and Church. A man's allegiance was no longer undivided, he must honor the Church, respect the far-off emperor of course, but he must also obey his liege lord and follow the rules of his craft.

With the rise of nationalism, however, this pluralism came to an end and there was a revival of the State and almost a return to the Greek idea. Kingship became more than a name. Allied with the new industrial class it was able to curb the feudal powers and even throw off, or at least weaken, the connection with Rome. As the royal power increased and administration became more and more centralized, the lesser loyalties of the Middle Ages gave way to the one all-absorbing loyalty of patriotism, and the national State stood forth as the one natural sovereign beside which the Empire was a name and even the Church a dependent. But while the political power had risen to such supremacy, it had not succeeded in absorbing into itself all the lesser interests of the nation. Even though the Church had become nationalized in England and France so that it seemed at times only an agency of the royal will, it had not become merely a department of government—it still had a purpose and body of doctrine of its own, still represented an interest apart from the State, and though, as in England, parliament might be legally its highest governing body, there were traditions and principles

with which parliament was wise enough not to meddle. So, too, of professional and craft associations, though dwarfed by the royal power and deprived of their political significance, they persisted as significant and distinct interests within the national State. Although, therefore, Louis XIV could make his proud boast that the State was himself, the unity implied was the relatively external unity of administrative power and not the more intimate cultural and human unity exhibited in the Greek city. The State dominated but did not constitute its included interests, which were therefore always potentially capable of opposition to it. This was of course the more true in so far as the seventeenth and eighteenth century State was royal and aristocratic, public life being open only to the privileged class and only its interests being represented in the government. It needed therefore only the rise of new unrepresented interests to bring about, first, a change in the organization of the State and then a questioning of its value.

In 1688 came the English Revolution, and in 1789 the French, transferring political authority in the first case from the king to the gentry and gradually, as they rose in importance, to the middle class, and, in the second case, placing the middle class almost immediately in control. Hereditary privilege gave way to democratic equality and gradually all classes and individuals have come to have a voice in the State. But, so far as the function of the State itself is concerned, these changes were revolutions in the literal meaning of the word, turnings of it over so that what was before on top came to be at the bottom, but without change in the inner meaning or

importance of the State itself. Sovereignty had a new location, it was no longer lodged in the king, but in the people; yet it was still sovereignty, for democracy, to use Sir Henry Maine's words, is only "inverted monarchy." The change was in personnel and not in power, and the popular sovereign could show itself as jealous of its rights and as arbitrary in their exercise as had ever the royal monarch in the past. Indeed, just because of a belief in the truth of the doctrine *vox populi vox dei*, the new democratic State could arrogate to itself an authority more stably constituted than that of the older order—the general will, as Rousseau insisted, was infallible and always good.

But at the same time that the State seemed to be legitimizing itself by acquiring this broader democratic basis, there had arisen within it opposition to its control and a demand for a limitation of its powers. Commerce and industry sought freedom to go their own way and attain their own ends unhampered by legislative restrictions. Self-interest, individual initiative, competition were felt to be safer principles of social and economic success than state interference. State control of trade, as it had existed under the old Mercantile System, had been found too oppressive by the expanding business of the modern State, and individualism began to assert itself. And not only from the side of trade were voices raised against the too extended powers of the State, but also in the interests of personal liberty generally protests were made. John Stuart Mill, ardent advocate as he was of popular control, was also equally awake to the dangers of popular oppression. Let the people rule, but

let them rule moderately, liberally, respecting the rights of minorities within their borders.

Business had, however, no sooner freed itself from political control and attained its full growth than it in turn found it desirable to re-enter politics in order to secure such help as might be thus obtained. Apparently at the end of the nineteenth century we had a return to the old seventeenth century system of mercantilism or state-aided commerce, only that instead of the idea of commerce to be fostered as an instrument of state for the increase of national wealth and security, we have the inverted conception of the powers of government to be used for the expansion of trade and the increase of private wealth. The change is natural enough, for it is merely the result of the change in ruling classes. Under the Tudors and Stuarts in England, the State was in the hands of the nobility and gentry and its resources were to be used for the realization of their courtly, military and aristocratic ends. Trade was the obedient servant, subject to all the regulations necessary to make it most productive for the glory of the State. Then came the change in control, trade and industry rose to power, and, with their rise, political power was increasingly used for the promotion of their commercial ends. Instead, therefore, of the individualism of the earlier nineteenth century, we have the renewed paternalism or socialism, or *statism*, of its close. Whether the men who in earlier times controlled commerce in the interests of the State represented more adequately the will of the nation than do the men of vast economic power who today are determining legislation is perhaps a moot ques-

tion, but that the State has come once more into its own is beyond doubt. Whether we say that political power is in alliance with commercial interests or is subservient to these, it is certainly concerned with them as a legitimate part of its sphere.

It is this renewed activity of the State in business that is now producing the protests on the part of those dissatisfied with the present economic organization of society. The workers are viewing this activity with the same apprehension and distaste with which their employers viewed it less than a century ago, for it means to them, as it meant to their masters, the employment of political power for the attainment of ends which are not their own. Once more there is the demand for a restriction of the powers of the State, for a new individualism, only that today it is not so much the separate individual who is put forward as the heir to the State's power, as the group. For these new protests are due to the tremendous growth of associations within the modern State—to the formation of groups bound together by common purpose and interests, and with a consciousness of these common interests. Especially this is true of the industrial world, as we have seen, but it is almost equally true in all ranks and classes. The age is marked by an intense class and group consciousness, we are all "joiners" and cannot bear to think of ourselves apart from some group. The result has been the relegation of the individual to the background where he leads a kind of hypothetical existence as a mere representative of his group. His relation to the State, therefore, has come to be more and more solely through his group, whose interests have thus

become his nearest and most vital concern while those of the State as a whole have grown pale and remote.

And in support of this practical tendency toward the elevation of the group has appeared a social and legal theory of the real personality of corporations and fellowships. For Roman law, and perhaps also for the unsophisticated mind, the group was at best a fictitious kind of person, a subject of legal rights and duties, able to sue and be sued, but without real unity and personality, without a group will, the only real persons being the incorporators whose relation to the corporation was like that of his guardians to a lunatic. But German research has discovered that the Germanic idea of certain groups was that of real, not fictitious, persons and English legal scholarship has largely adopted the idea. The group, as thus conceived, is not a mere creation of the law, of the State, but is a real group person of whom, or which, individuals are organic members. The individual may thus be supplanted by the group as the unit of social and political life, the members of our governing bodies representing our groups and not our shadowy and unsubstantial selves.

Looking back, then, over this brief sketch of the fortunes of the State, we see it taking form largely under the impact of violent change; at first, hardly distinguishable from the older tribal organization in its unity and multiplicity of functions, embracing every aspect of life; later, in consequence of its imperial extension, distinguishing itself from the other aspects of life until it becomes merely the basis of social order; then, in the national State of the renaissance, by contraction and

centralization gathering into itself again much of the content it had lost, though without the perfect fusion of its earlier stage; finally, in the life of today, occupying an ambiguous position, more than the principle of order, less than the unity of social life, by some condemned as an outgrown fetich, by others lauded as the basis of our spiritual life, questioned in its authority, ill-defined in its functions.

Turning now from its history, we come to the theories which have been offered as statements of its nature and basis. One and all are concerned with the place of the State in the life of men, some looking mainly to its origin, others to its purpose, but all attempting to find some basis in reason for the authority it has actually exercised over men. An obvious classification of these systems would be, into those that exalt and those that minimize the place of the State; but the most convenient for our purpose divides the older classical theories which form the basis of the accepted political philosophy of the day (theories largely derived from the thought of Plato and Aristotle), from the recent opposition theories based upon the modern developments in industrial life and organization. As we shall see, these theories are naturally colored by the position of the State in the age in which they were formed, the older theories reflecting the rich unity of Greek life or the somewhat lesser unity of the renaissance State or the military absolutism of the Prussian rule, while the recent systems are the expression of the looser organization of the group life of today. Hence the same division might be expressed by the terms monistic and pluralistic or, in general, by ab-

solute and relative, since the classical theories emphasize the absolute authority of one political power in the nation, while the recent conceptions present a plurality of coordinate powers, no one of which can claim absolute authority over the others. We shall consider first the classical, monistic, absolute theories since they furnish the point of attack for the more radical thinkers of today.

III

THE CLASSIC THEORIES OF THE STATE

THE problem of the State in all ages, so far as it has been a theoretical one, has involved the paradox of self-government. Rousseau's formulation of it has become classic: "To find a form of association which protects with the whole common force the person and property of each associate and in virtue of which every one, while uniting himself to all, only obeys himself and remains as free as before."[1] The idea of the State imples protection and freedom for the individual, but if this is so, it means also coercion and lack of freedom for those who would oppose or coerce him, and the application to himself in turn of those restrictions he would have imposed on others. To be free he must submit to the limitation of his own freedom, and how can this submission be conceived as self-government? How are freedom and government compatible?

So far as a solution of this problem has been offered it has taken the form, again to use Rousseau's formulas, of some doctrine of the reality in society of a "general will" with which the wills of individuals are identical and in the supremacy of which they also are supreme. That there is such a real will finding expression in the State and justified by its identity with the wills of the citizens, is the contention of all the classical, monistic writers from Plato to Bosanquet, though they differ both

[1] *Social Contract*, I, VI.

in the way in which they conceive this identity to be constituted and in the degree to which they think it to be realized in the actual political organization of any people; some finding this unity of will in the common reason of mankind and some basing it upon natural self-interest, all dividing again, more or less consciously, upon the question as to whether this general will is actually realized and therefore politically authoritative, or whether it is an ideal to be used as a standard of criticism or goal of endeavor. No small part of the controversies and confusions in political theorizing have arisen, as we shall find, from the failure to make clear this latter distinction between the State as an ideal and as an actual institution, the moral authority that might be claimed for the former being asserted of the latter. On the other hand, over against these monists we find today the political pluralists denying the existence of any such real will in the nation and consequently refusing to accept any single all-embracing organization as the complete embodiment of the national will. Taken in its extreme form this means anarchy, but taken more moderately it gives us the suggestion of unitary groups united for conference and adjustment but not bound fast in the bonds of political compulsion, a federal organization of coordinate groups rather than the unitary State.

The most significant representative of the doctrine of the unity and authority of the State is Plato. Written at a time when the Athenian State had passed its first maturity and in the interests of its reform, Plato's *Republic* presents in concrete form and with marvellous insight the spiritual meaning of the Greek community.

It is not a picture of the State as it existed in his own time, nor is it a political platform to be realized in all its details in the future, as both disciples and critics have often assumed it to be; for though Plato was no mere closet philosopher but intensely interested in practical reform, the *Republic* was not put forward as a charter for a city government. It is idle to point out that there is no method provided for securing the philosophic rulers upon whom the welfare of the city depends, that there is no system of penalties for the enforcing of their decisions, that the abolition of the family, the state regulation of marriage, the public education would be intolerable and impracticable, as would be the whole system of state control—these things Plato was as well aware of as his critics. This perfect city was for him no structure in time and space, but as for St. Paul later, a city not made with hands, eternal in the heavens, the picturesque embodiment of spiritual principles not realizable wholly in the flesh.

The main outlines of the picture are familiar enough, a guardian group selected for their ability and patriotic devotion by means of elaborate educational tests both theoretical and practical, a warrior class similarly chosen, and then the great body of the industrial and professional class who have failed to show the abilities necessary for the higher stations. To speak of these as classes is perhaps misleading, for they have none of the fixity of the ordinary class, assignment to them being not hereditary or fixed by economic conditions, but determined for each member on the basis of fitness for the performance of the various class functions, assign-

ments being made by the guardians in their superior wisdom. This principle of division of labor and fulfilment of special function is the organizing principle of the State, constituting its supreme virtue of justice, which Plato formulates popularly as doing one's own proper business, neither interfering with others' nor slighting one's own, but doing with one's might and single-eyed what is found for one's hands to do. The rulers are to rule, the warriors are to fight and the producers to produce; each class thus doing what it can do best, the community life as a whole will be best served and attain that inner harmony which is the essence of health and the condition of happiness.

As Plato points out, this principle of justice, like the economic principle of the division of labor, has a negative as well as a positive implication. The man who specializes in one form of work and develops his capacity thereby, withdraws necessarily his attention from others and leaves undeveloped the powers which might otherwise have been his. This is of the essence of our finiteness, that we are not individually self-sufficient or all-sufficient, but need supplementation, and it is in this need that the State has its reason; for it is only in the whole organic life of the community that the individual finds that perfect supplementation of his powers that raises him above the limits of his finiteness and realizes for him the complete life of humanity. It is only in the State that the wisdom of the ruler and the strength of the warrior are made available for the artisan and, in turn, that the ruler profits by the activities of the warrior and of the worker. The loss the individual suffers in

his own person through his confinement to his task is made good to him through his sharing in the complete life of the community. This acceptance of one's limitations, involving as it does the recognition, in a sense, that one's life is not one's own but is a part of this larger whole, constitutes the virtue of temperance, or measure, which is a kind of social cement or a balance wheel by means of which the State maintains its unity and coherence, the ruled accepting their rulers and the rulers recognizing their duties to the ruled. Without this recognition of one's place in a universal order, this ideal participation in the life of the whole, society would be dissolved into a chaos of conflicting elements, each individual striving to outdo his fellows and be himself the whole, with the result that there is nowhere realized that perfection of being possible only to those who have found their place and are fulfilling their function in the system of life to which they belong. The unity and orderly life of the State is thus for Plato no product of individual self-seeking, no equilibrium of antagonistic forces, but the expression of the common life of reason, manifesting itself in the complex system of social relations. A man must not only be a part, but recognize and accept himself as a part, of the social whole before either he or it can really be. The common good must be willed by men before it can be either "common" or a "good."

And in this consists Plato's doctrine of political obligation. Objection has often been made to the fact that he places all power in the hands of the philosophic rulers, that his State is an aristocratic State, even an

autocratic one. This is true, but it is tempered by the fact that it is a hypothetical and ideal arrangement and not a matter of practical politics. What Plato is really insisting upon is, not that power should be lodged in any special class as historically constituted, but that power and wisdom should go together so that the constitution and government of the State might be the expression of reason rather than of ignorant prejudice. To use the modern phrase, it is the "rule of law" for which he is contending, not that haphazard and temporal product of legislative assemblies, but that eternal law of reason celebrated by the judicious Hooker, "which if it had might as it has right would rule the universe." The guardians are, by hypothesis, embodiments of this political wisdom and it is because of their ability to recognize this wisdom that the citizens accept and participate in its civic blessings. Although, therefore, there is no democratic machinery for the expression of the popular will and the decisions of the rulers seem without recourse, this is only because of the explicit, but violent assumption that there is a real unity in the State such that the true wills of the citizens find most adequate expression in the actions of those best fitted to realize them. The rulers more truly represent the popular will than could any elected body under the ordinary conditions of political life. As thus conceived, the community has the spiritual unity of a family, as Plato himself depicts it, or of a church, as later thinkers see it, rather than of the State as ordinarily found, so that St. Augustine's *City of God* is no unworthy reincarnation of its spirit.

Although, however, Plato is clear enough in his insistence that the inauguration of such a State cannot be naturally explained and that we must look to some happy chance or divine assistance for its institution, he yet is equally clear in his insight that any approximation to his ideal can only be brought about through an all-embracing system of public education directed to this one aim of fitting the individual into his true place in the State. Almost from their very birth children must be introduced into an atmosphere conducive to their spiritual health, so that their interests and characters shall be unconsciously moulded until such time as they may be prepared to enter into their full heritage and with clear self-consciousness take their part in the rational life of the State. It is a most interesting fact, only too little emphasized, that although the *Republic* is a treatise on justice or the State, it devotes no space to the discussion of political machinery, but is essentially a discussion of the aims and methods of education. As Plato suggests, when the people are truly educated, not merely intellectually, but esthetically and morally, they can be trusted to work out their own system of legislation or, perhaps, even to dispense with it, but without this universal spirit of social fellowship to be produced through education, no real State is possible. Yet for the establishment and maintenance of this ideal system of education itself, the miraculous wisdom of the miraculously obtained rulers is necessary, so that while Plato sees clearly enough the condition essential to the reality of his State he gives us no hope of its realization.

But while it is just to recognize, as has been done, the

intentionally ideal character ascribed by Plato to his State, it is none the less fair to point out that there are realistic features in his picture that mar the spiritual unity of its content and distinguish it from a purely religious conception. Or perhaps it would be fairer merely to recall the fact that although he is presenting the principles of an ideal State, it is yet the principles of a State he is formulating and not those of a purely spiritual fellowship, and that therefore the element of imperfect community, expressing itself in the need for coercion, still finds place. The perfection of the State does not imply the perfection of its members, and therefore there may still be within its borders those who do not recognize in the will of their rulers the realization of their own, and oppose to right reason their individual and separating desires. To such as thus lack an inner principle of organization Plato recognizes that the State must be an external reason controlling them by force until like children they acquire self-control. And that, like children, they have within them the possibility of this self-control is fundamental in his thought. Man is essentially a rational animal, however deeply he may seem to be entangled in the bonds of sense, and his real will is always directed toward the good, however much he may seem to be seeking evil. It is his ignorance of what his deepest nature needs that keeps him in antagonism to the State, and it is therefore in his own interest, and really by his own will, that he is at times forced to live the life of reason in spite of the short-willed resistance of his superficial self. Although, therefore, Plato does not speak habitually in terms of free-

dom, it is not unfair to express his thought in the terms of Rousseau, that political coercion is the process by which the individual is "forced to be free."

The idea of the State, then, as given us in the *Republic*, is that of an organized community in which life is the orderly expression of a reason constituting the essential nature of each, but not completely and consciously developed in all, and therefore apparently external to some. That in actual life Plato was realistic enough to believe that political wisdom was the endowment of the few and that therefore democratic machinery was not the best means for the control of the State, ought not to blind us to the fact that, after all, the construction of political machinery was not his chief aim, but that the dominance of reason was his end, however it might be accomplished. Nor is he altogether so undemocratic in his attitude toward the mass of citizens as is often supposed, for while political administrative wisdom is believed by him to be the property of the few developed by long training, he insists equally that the masses must possess that form of virtue which he calls temperance and which involves at least the power to recognize and accept the political wisdom of others. And this ability and willingness to recognize the expert we are coming to accept as of the essence of a democratic society.

Turning from Plato, the idealist, laying the foundations of the State in the common reason of mankind, we come to Hobbes, the materialist, seeing in political organization only the means by which men satisfy their desires, and laboring to construct a theory that might justify political absolutism in seventeenth century Eng-

land. The two thousand years between are by no means barren of significant political thought, but it is rather reminiscent of the past than expressive of the future, and it is first in Hobbes that we find the systematic beginnings of the modern development.

There is one conception, however, developed during this intervening period, that demands attention since it forms the instinctive background in the minds of all the political, economic and philosophic writers of the early modern period, and that is the conception of natural law, with its correlate, natural right. In its origin it goes back to Plato, and even earlier, the idea that behind the changing show of things there is their true nature, an eternal order or reason, giving to each whatever it has of reality and worth and forming the universal measure of right and justice. Among the Stoics, to live according to nature meant to live according to the universal principles of that reason which was the common essence both of nature and of man. Roman lawyers having been compelled to work out a system of law common to the various nations within the Empire, the *jus gentium*, it was not strange that this law of nations, under the influence of the Stoic philosophy, should acquire something of the prestige of the law of nature as the expression of the common reason of mankind, and that the law of nature should in turn acquire some of the definiteness and systematic character of Roman jurisprudence. With the rise of Christian theology, influenced not only by Palestine, but by Greece and Rome, this common conscience of mankind was given a divine origin and sanction and we have the idea of an eternal system of

right, founded in the will or reason of God, placed by him in the consciences of men, though clouded by sin, and forming the standard of human action and law. Natural law meant at this time, then, an eternal standard of truth and justice, and natural right, the claim justified by such a standard. To such a *magna charta* of human liberties appeal could always be made from the defects and injustices of the actual order of institutional life, and though the appeal might be without practical consequences, nevertheless there was kept before the minds of men the idea that there was an ideal system of human relationships to which it was the duty of the actual to conform. Though might should masquerade as right, it was not allowed to assert itself as such.

Thomas Hobbes, while he did not directly challenge the validity of this idea, was one of the first to stimulate criticism of it, as well as to inaugurate discussion as to the means by which the ideal might be embodied in action. His best known work, the *Leviathan*, was published in 1651, and all his political writing was colored by the disturbed conditions in England during the civil wars. He was by nature a timid man, fear was his twin brother he says, born as he was during the terror inspired by the Spanish Armada in 1588, and it seemed to him that the one thing to be desired before all things was peace and security of life. The condition of this is a strong government, and therefore he devotes himself to the task of working out a theory of political absolutism that should make all opposition to the State appear unreasonable and self-contradictory. He would promote

peace by showing the folly of resistance and the absurdity of the private conscience. Unlike Plato, he is not content with developing the ideal of a perfect State, but his sketch of a commonwealth and its powers is one which he believes to be realizable by human nature as it is. The authority he would ascribe to the State is not the moral authority of an ideal merely, but the political authority of an existing organization. Hobbes is one of the early exponents of *Real Politik*.

The view of human nature upon which Hobbes founds his theory is the direct opposite of that of Plato. Men are essentially individuals and selfish, each naturally seeking the preservation and enlargement of his own life, with the pleasure that is the accompaniment of this. And this self-seeking is nothing accidental or arbitrary, it is the necessary consequence of his bodily constitution, no more to be questioned or blamed than the tendency of a stream to run down hill or of a stone to fall to earth, for Hobbes is a materialistic determinist, and his human nature a physical reaction machine. The consequence of this universal self-seeking is inevitably collision and conflict between men, and therefore Hobbes lays it down as fundamental that the natural State of mankind is not one of peace but of the war of all against all. In such a condition there could be no security of life or property and each man would be forced to use any and all means for his own preservation. The ordinary rules of social morality could have no more validity here than they could in the life of brutes, for the man who would be just or generous with no security that his fellows would meet him in the same spirit, could have no more chance of survival than if he attempted to prac-

tice the Golden Rule among wolves. Hence his doctrine is that in this State of nature justice and injustice have no place, but that human life is upon a purely animal and non-moral basis.

This absence of the ordinary moral restraints constitutes for Hobbes man's natural right, which he defines as "the liberty each man hath to use his own power as he will himself for the preservation of his own nature, that is to say, of his own life; and consequently of doing anything which in his own judgment and reason he shall conceive to be the aptest means thereunto." Natural right is thus a purely negative conception, denoting no eternal order of justice to which the individual may appeal in defence of his claims, but only the absence of such order and the freedom of the individual from all blame for what he may find it to his personal advantage to do. The statement that every man has a natural right to all things, even to his neighbor's life if necessary to his own, is equivalent to the statement that no one has a positive right to anything, but that anyone may have what he can get and for as long as he has power to keep it, in short, that the only natural right is might. And a similar individualistic interpretation is given to natural law, which is conceived as the natural obligation laid upon every man to use all his powers for his own preservation. Both natural right and natural law are thus given purely naturalistic interpretations, being but the negative and positive expressions of the fact that men are pure individuals with no essential interest in social life for its own sake, and possessed solely by their natural tendency to preserve their own existence.

Out of this unpleasant State of nature men are led by

common sense to organize peace through the setting up of a common authority able to keep them in order and ensure the performance of contracts. Hobbes does not mean to represent all this as an historical condition and process, for he admits that such a universal State of nature probably never existed, but his idea is that it is only upon the assumption of such a human nature and its consequences that we can build a firm State. The organization of this he represents as a contract of every man with every other by which each agrees to surrender his natural right to all things, if others do the same, the rights as transferred to be embodied in a collective person who shall represent them all and express their will. "This is more than consent, or concord; it is a real unity of them all in one and the same person. . . . This multitude so united in one person is called a commonwealth, in Latin, *civitas*."[2] Against this public person thus constituted the individual has no rights, since to retain these would mean the setting up of an independent authority above the State and, in consequence, the possibility of resistance and the return to that natural condition of war from which the State was the escape. So, too, the State can do no injustice, since it is not a party to the original compact and has entered into no covenant with its subjects, being, indeed, merely their unrestricted agent, their minister plenipotentiary, their voluntarily formed self. To resist the State would thus be to resist oneself and to destroy that institution upon which our very lives depend.

And not only can there be no right to rebellion, but

[2] *Leviathan*, chap. XVIII.

Hobbes can see no reasonableness in the claims of the private conscience that would be wiser and holier than the State. If action is to be controlled, the beginning must be made with opinion, which is the source of action. Since God is interested in the good of men, he cannot be understood as laying commands upon private individuals which would bring them into collision with this highest agency for the public good. The stability of the State requires acceptance of the state religion.

But yet there is one right that the individual cannot be understood as laying down when he enters the political State and that is the natural right of self-preservation, since it is to secure this that he has organized the State. Hence although the sovereign has an absolute right of life and death over his subjects, the individual has a natural right to resist those who would take it and to refuse to take it himself. There is here remaining a conflict of rights which implies that in spite of Hobbes' best efforts he has not succeeded entirely in transforming the State of nature into the State of society and out of the antagonistic individuals moulding a real unitary will. For if the individual retains the right to protect his life, it is impossible to interpret life as mere breathing existence, and the door is opened to the claims of right for all that makes life worth living.

Moreover, though the sovereign is conceived as absolute, it is so only as long as it retains the essential characteristic of sovereignty, that is, power. The sovereign State is what it is only as it is able to fulfil the function for which it was formed, *i.e.*, the protection of the lives of the contracting parties through the preser-

vation of order. It has no right other than its actual might and hence its inability to protect its subjects dissolves their allegiance and there is a relapse into primitive war. For Hobbes provides no means by which the sovereign can be deposed and the constitution changed through the orderly action of the people, since it is his thought that the people in organizing the State have alienated their original freedom and given themselves up to a power from that time on independent of its original creators, in other words, that the actual government or visible sovereign is the ultimate or final sovereign and therefore absolute. And this is the more striking in that he himself draws a distinction between the act by which the State is originally formed and which must be the expression of the wills of all, and that by which an actual sovereign is selected to represent these wills, the choice in this case being by majority vote. If the will by which the commonwealth comes into existence is thus different from that by which its government is appointed there would seem no reason why the latter could not be reversed without disturbing the fixity of the former and resolving it into its original components, but Hobbes, in his eagerness for the peace of absolutism, ignores the distinction he has already drawn, and insists that the deposition of a sovereign by his people is a dissolution of the state compact and a return to the chaos of the State of nature. It was the problem of Locke and Rousseau so to conceive the unity of the commonwealth as to leave it undisturbed through change of government.

These difficulties in Hobbes' theory all arise from his

attempt to found a political absolutism upon a psychological individualism. Plato's absolutism had rested upon a monistic view of human nature which saw it as essentially the organic expression of a single universal reason, but Plato had recognized that in the world of time and space this unity was an ideal and, therefore, his absolutism was not political but moral. Hobbes starts from the conception of the individual as antisocial, and his entrance into society as involving a sacrifice of his essential good. He has therefore the problem of constructing an artificial unity of will based upon self-interest. Such a unity must be enforced by an external power, and hence his Great Leviathan is conceived as an absolute will over against his subjects and independent of their control. Instead of a will truly general and, therefore, rightly authoritative, which Plato sees as the ideal principle of the State, Hobbes presents this legal fiction which he yet would impose as an actual authority over the commonwealth. But if man is, as Hobbes depicts him, essentially an insatiable appetite, a bundle of limitless desires, he never can find satisfaction in any community, actual or ideal. His good remains a private good, and all authority must be that of his individual desires. Under these conditions no sovereign or "public person" can really represent his will, and we are left in the social, as well as in the natural, state, with mere might enthroned as right.

The theory of John Locke, formulated in his *Two Treatises of Government*, 1690, was a defense of the revolution of 1688 and therefore the expression of a common sense liberalism, a fact which makes it from the

theoretical point of view less interesting than the system of his more radical predecessor. His general scheme of things is virtually the same, but he modifies it by a return to the earlier and more social conception of human nature and natural right. For him, the State of nature is not a war of all against all, but is partly social and is guided by the principles of natural justice. But because there was need for the more exact formulation and enforcement of these principles, as well as for an authoritative and impartial administration of them, men entered into the social contract and organized the political State. Like Hobbes, Locke distinguishes this act by which the social will became a reality from the secondary one by which a government was constituted, and recognizes that the latter act may be reversed without necessarily dissolving society itself; but he fails to make clear just how this reversal can be made, since it must be the act of the whole society and there is no provision for ascertaining its will. Locke insists that sovereignty rests with the people, but he provides no machinery by which it can be exercised and the government once constituted seems destined to run indefinitely from lack of means to recall it. Parliament, therefore, remains virtually supreme.

On the psychological and moral question of the basis for the unity of the social will, Locke also follows Hobbes, though at a distance and with his usual greater respect for the appearances of human nature; for, in spite of his faith in the semi-social character of human nature, his final motive for all action is pleasure; and the justification of the State, like that of all else, must be

found in its ministering to the desire of the individual.

In passing from Locke to Rousseau we enter a new world. The sober compromises of common sense have given way to the enthusiastic consistency of pure ideas. If in Locke we have the high priest of the English parliamentary system, in Rousseau we find the prophet of French democracy, and the forerunner of its revolution. The wheel has come half circle round, and absolute sovereignty is vested inalienably in the people. The unity and order Plato had defined as inherent in his ideal State, but had hesitated to ascribe to reality in its imperfection, Rousseau, in the enthusiasm of his social vision discovers in the collective people. His absolutism is not an ideal, but a reality, and his State not an aristocracy, but a democracy.

As we have seen, Rousseau is not primarily interested in the historical problem of the organization of the State, it is its justification he wishes to understand, his work on the *Social Contract* being an attempt to show how a State must be organized in order that it may be legitimate. In this sense, it is the ideal State he is occupied with, but it is characteristic of his optimism that he believes that this ideal State is realizable by human nature as it is, and that its authority may thus be political rather than merely moral. It is significant of this that his doctrines formed parts of the political constitutions of the revolutionary era.

It is necessary, too, to distinguish between his youthful indictment of society, made in the two *Discourses* of 1750 and 1755, and his later acceptance of it in the *Social Contract* of 1762. In the former, he was making

a partial plea against the vices incident to actual society, in the latter, he was exhibiting the part it was capable of playing in a justly organized State. For Rousseau, although he is looked to as the father of the doctrine of natural rights inhering in the individual, is no individualist after the manner of Hobbes, but a profound believer in the social character of human nature and, therefore, in the intrinsic superiority of civil over natural freedom. As he puts it, "What man loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses." Indeed it is the very aim of his later thought to show that in society alone man is truly himself and free. The Rousseau of the noble savage ideal is not the Rousseau of mature life.

In spite of his rejection of the historical point of view, when he comes to discuss this problem of how man can be governed and yet free, Rousseau talks in the terms of the familiar social compact and seems to imply a conscious transition from a state of nature to one of society. This traditional form for his doctrine, however, is not significant of his real thought. As conceived in these terms, an agreement is made by which "each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole."[3] Each, by thus giving himself to all, gives himself to none, and is freed from bondage to any individual. "This act of association creates a moral

[3] *Social Contract*, chap. v.

and collective body, composed of as many members as the assembly contains votes, and receiving from this act its unity, its common identity, its life and its will." This body is a true public person; considered as passive we call it the State, as active it is known as the sovereign, and in its relation to other like bodies, it is a power.

This idea of a *general will* thus formed is central in Rousseau's thought and is his main contribution to modern theory. He distinguishes it sharply from *the will of all*, which is a mere collection of individual wills each seeking its own interest. It may happen that all individuals at a given time may, in thus seeking their own good, also bring about the good of the social whole, but the coincidence is only accidental and different in kind from the situation involved where there is a true general will in which the interests of individuals are merged in the interest of the whole. The unity of the true public person is not a mere numerical unity consisting in a universality of voices, but is that inner and deeper unanimity of spirit in which each makes the public good his own and thereby unites himself with all in the identity of a common object. Only so can we speak of a general will in the community. This general will is indivisible because it is a true will, no will being divisible any more than a judgment is divisible; it is inalienable, just as an individual will is inalienable, no man being able to give up his will, since even the act of giving it up is itself an act of will; it is also indestructible save with the life of the people itself. Moreover, this will has to be conceived as always right, in the sense that it is always a will to the common good, even though the

people may be so ignorant that this good fails of realization and individuals so perverse that they refuse even to attempt it. There is in this conception a return to the optimistic Greek view that human nature is radically good, and in need only of enlightenment through education to attain its true happiness. In the words of Bosanquet, "The General Will is as much implied in the life of a society as some sort of will for good in the life of an individual. The two, in fact, are not merely analogous but to a great extent identical. The General Will seems to be, in the last resort, the ineradicable impulse of an intelligent being to a good extending beyond itself, in so far as that good takes the form of a common good. Though this impulse may be mastered or cheated in a degree, yet, if it were extinct, human life would have ceased."[4] So, unless there is this core of rationality and common purpose, at the heart of society, it too must perish, so much of optimism, at least, being involved in the very conditions of existence. Even a band of thieves, as Plato insisted, holds together only by the element of justice involved in their relations with one another.

But such a partial optimism as would see in human society, beneath its surface antagonisms, an instinctive unity of common tendencies capable through education of being developed into a conscious unity of moral purpose and thus, at length, constituting what might be called a general will, does not express Rousseau's complete idea. This general will, for him, is not a possibility, a mere ideal, it is a reality and capable of finding expression in the institutions of the State. No representa-

[4] *Philosophical Theory of the State*, p. 109.

tive institution, however, is an adequate expression of this will, since it cannot alienate itself and deliver itself up into the hands of supposed representatives. No man can truly represent another, and no body of men can keep in that constant sympathetic relation with their fellows necessary to enable them to speak and act for them. No matter how closely the views of a legislative group may, at the time of their election, coincide with those of their constituents, there is no guarantee, and no probability, of their continuing so to do as future events unfold and new situations have to be met. Such a group is by its nature particular, and embodies only its own particular will. For a sovereign people to deliver itself up into the hands of such a group is to renounce its freedom and to abandon its sovereignty. The English people, in Rousseau's eyes, are free only during the periods of election when they have the chance to express their choices; at all other times they are subject to the particular will of the parliament they have elected, and must stand aside while they see their real will often grossly misrepresented. Hence the pure democracy of the town meeting alone can express the general will. Here every man can express his mind directly and urge his will through his own vote on the matters in question. He is not condemned to the use of an interpreter for the clumsy expression of his ideas or for the making of his rules of life, but is himself his own spokesman and legislator. The decision of such a general assembly of the people is an expression of the general will and is sovereign.

The taking of this doctrine of pure democracy literally would seem to imply both the public spirit of all

the citizens and also the possibility of reaching unanimous decisions, since a sovereign will must be general and directed to the common good. To take the ordinary public meeting, with its conflict of private interests and its failures in unanimity, and enthrone it as the embodiment of the general will and necessarily directed upon the common good, seems grotesque, but yet this doctrine of *vox populi vox dei* requires it. Rousseau, however, makes certain qualifications, which, he feels, render the theory less startling. The citizens must express their wills individually and free from all minor group entanglements that might divide their interests with that of the State, for the State is a jealous god brooking no rivals within its domain, even that of the Church. The multiplication of groups in social life is a sign of degeneration and the dissipation of public interest. To vote as a member of a group is not to vote as a member of the State and an organ of its will. Here Rousseau's early reaction against the complex society of his time appears and his preference for the small homogeneous group over the larger and diverse national State. The unity of his State is one obtained by destroying differences rather than by organizing them.

Further, it is his idea that while the citizens may be largely pursuing their own interests, the outcome of their conflicts will be a neutralizing of the superficial antagonistic elements and an emergence of the underlying common features. The things that separate us from others they will not let us have, nor we them, but the things compatible with, and involved in, the good of all, upon these we can agree. In spite of apparent an-

tagonisms and private selfishness, therefore, the true general will gets its way and the common good is realized. It is this actual realization of the common good that marks the public will as general, rather than mere numerical generality as indicated in a unanimous vote, hence Rousseau can still hold to his democratic faith in spite of the evident selfishness of interests and the failure of absolute agreement,—the community builds better than it knows.

It is only by thus appealing from the apparent and conscious will of the individual to a deeper and only imperfectly recognized self that Rousseau can reconcile this authority of the common will with the freedom of the individual. There are selfish interests in the community and these must sometimes be restrained by force, yet in so far as society is democratically constituted, the force by which a man is restrained is not an alien one, but that of his own better self. In spite of himself, he must be forced to be free by being made to fit into his place in the social life through which alone his own can be realized. Like a child, he must be educated by the laws, of which, however, he is at the same time supposed to be the author; for Rousseau would have it both ways, on the one hand, the sovereign will undeviatingly bent upon the public good and, on the other hand, individuals constitutive of this will, yet needing to be coerced and educated by their own product. For, unlike Plato, whose sovereign is an ideal person incapable of realization completely in the world of sense, Rousseau's sovereign is the people itself gathered in solemn general assembly, without private interest as a whole and therefore in-

capable of injustice to any of its members. That Rousseau without reserve makes this identification of the ideal and the actual, it would be unjust to say, but that his enthusiasm leads him constantly to minimize the difference is unquestionable. Thereby he has become the prophet of democracy, the limitations he had put upon his theory have been ignored, and what he had characterized and rejected as the will of all, has been readily substituted for the general will, and its sovereignty hailed as the equivalent of liberty.

In Rousseau, the essentials of the classic doctrine of the State have been formulated. In a history of political theories, it would be necessary to trace the developments of it through Kant and especially Hegel, but here we can leave the historic tradition and turn at once to the theories confronting us today, one of which, however, is the representation of this same tradition expressed in terms of recent psychology, logic and metaphysics, the leading exponent of which is Bernard Bosanquet in his *Philosophical Theory of the State*.

IV

PRESENT DAY THEORIES OF THE STATE

LOGICALLY one might divide theories of the State into two extremes with a central group of which some incline toward one side and some toward the other, a right and left center. The holders of one extreme insist that the State is the embodiment of all good, our absolutists; the representatives of the opposite extreme find it to be no good, the anarchists; the men of the middle ground are able to see in it a limited and conditional good, the pluralists, the right wing of whom tend to emphasize the elements of positive value in the State, while the left wing gives but a grudging recognition of these and magnifies its disadvantages. Such a division as this would be logical enough in the abstract, but when we came to fit actual theories and men into its scheme, we should find some resistance to the adjustment, especially on the part of the extreme right. Nevertheless, the division represents the alignment of theories as they appear in the dust of controversy, even though a sympathetic reading of them shows them as tendencies toward these logical positions rather than as consistent representatives of them. To the pluralist, the monist seems a confirmed absolutist, glorying in the authority of the State, in spite of protesting footnotes and supplementary essays, while to the exalted view of the monist the pluralist seems indistinguishable from the anarchist. A more reflective judgment might see both absolutism and

anarchy as ideal limits toward which real systems only tend.

The monistic system of Bernard Bosanquet takes as its fundamental notion the idea of freedom. The moral life of the individual is seen as the process by which he frees himself from the control of mere nature and develops in himself the power of rational self-control. This throwing off of external control is freedom in the negative sense, freedom *from* nature; the substitution of rational self-control is freedom in its positive sense, freedom *in* reason. The true goal of every man is the attainment of this real freedom, this realization of the true self, this rationalization of life. Such a complete development is possible only in social life where is revealed to the individual the meaning of his latent powers and where is given him the means by which they can be developed—a man is truly human only in society. But society itself is possible only as it is organized in the State, which thus becomes the supporter and guardian of the social structure through which alone man receives his very reason and thereby attains his freedom. As such a basis of the moral life of man, the State is rightly of superior authority, not only to individuals, but also to all other social organizations, which have their being and exercise their power only by virtue of it. As only parts of the State, individuals and minor groups have no external basis from which to criticize or attack it, but can impeach it only in its own name.

If we analyze this argument we find that it resolves itself into four main theses. The first of these is that freedom does not consist in the absence of all restraint,

but in self-restraint or self-determination, to use the more positive term. The removal of restraint may be a necessary condition of freedom, but in itself it may lead merely to deeper bondage for it may mean only the transfer of the man from one master to another. In other words, the only alternative we have is between being ruled by others or by ourselves, and, unless we are able to step into the place formerly occupied by others, we must fall back again into our former slavery with only a change of masters; the house swept and garnished becomes a prey to seven devils worse than the first. Our freedom, then, must consist in control by the self.

The second point is that this control by the self is control, not by any and every chance desire we may happen to have, but by that permanent system of desires which we know as the real self. The principle here laid down involves the familiar distinction between the apparent and the real self, between our momentary and our permanent will. The man who is led away by strong desire excuses himself by saying he was not himself in his deed. The man whose life is passed in chasing one pleasure after another, turning now here now there in his search for satisfaction, but nowhere finding a permanent and satisfying good, such a man we say does not know his real mind, has not discovered his true self. A man is really in command of himself, self-possessed, only as he has identified himself with a far-reaching purpose, the realization of which involves a law of life to which his momentary desires must conform. This guiding purpose is only partially understood by him, but it constitutes his true good and is that which his imperfect will

is really seeking, even in its blinded aberrations, since it is that alone in which he can find satisfaction, and no man can be said to really will his own dissatisfaction. We are thus free so far as we are self-determined, and we are self-determined only as we are determined by this law of a larger purpose. In moral terms, it is not doing as we please, that constitutes us free, but doing as we ought.

The next step in the argument is the identification of this higher law of the self with the social and moral tradition of one's people and times. For the plan of life we adopt is not of our own making as individuals, but is revealed to us in the customs and institutions and moral judgments of the society into which we are born and of which we form an organic part. Left to ourselves, our lives would be aimless and meaningless, unorganized and at the mercy of every gust of passion. It is only as our impulses are transformed by being given social satisfaction that they can form elements in a truly human and satisfying life. "Let it be, for example, an impulse to sensual passion. It is a commonplace that in such impulses the self can find no abiding satisfaction. They pass and leave him empty. They bring with them no opening out of fresh possibilities, no greater stability to the mind. Yet they have their meaning and belong to human nature. They imply a need for union, and an attraction outside the immediate self. If we compare them with the objects and affections of a happy and devoted family, we see the difference between a less adequate and a more adequate will. The impulse, in passing into family affection, has become both less and more. It is

both disciplined and expanded. The object presented to the will is transformed in character. Lawlessness is excluded; but, in place of a passing pleasure, a whole world of affections and interests, extending beyond the individual life, is offered as a purpose and a stimulus to the self." "We might in the same way compare the mere will to earn our daily bread, with the horizon of a great intellectual profession; or the routine of an industry or profession vacantly and formally pursued with the very same routine conscientiously followed in a spirit of enlightenment. In every case we are led up to the contrast of the actual indolent or selfish will, and the will, in as far as it comes to be what its nature implies, namely, that which we have spoken of as the real or rational will, embodied in objects which have power to make a life worth living for the self that wills them.

"Now our nature as rational beings implies the imperative claim upon us of a will which is thus real or rational. Recognized or unrecognized, it is rooted in our own wills, as the claim to be true is rooted in our assertions. Any system of institutions which represents to us, on the whole, the conditions essential to affirming such a will, in objects of action such as to constitute a tolerably complete life, has an imperative claim upon our loyalty and obedience as the embodiment of our liberty."[1] Escape is no more possible from the obligations of this social life than is escape from ourselves.

The final thesis is the identification of this social will with the State and the consequent interpretation of political obligation as social and moral. It is this last point

[1] *Philosophical Theory of the State,* pp. 148-9.

that provokes the keenest criticism of the theory. Many can accept the doctrine of freedom, of self-determination and of social obligation, who stumble at the suggestion that their real wills are identical with that embodied in the State, and that the duty they owe society is the same as that they owe the guardian of it, insisting that guardians have been known to betray their trust and the State to be false to the society that formed it. Bosanquet makes his point by virtually identifying State and society. "The State, as thus conceived, is not merely the political fabric. The term State accents indeed the political aspect of the whole, and is opposed to the notion of an anarchical society. But it includes the entire hierarchy of institutions by which life is determined, from the family to the trade, and from the trade to the Church and the University. It includes all of them, not as the mere collection of the growths of the country, but as the structure which gives life and meaning to the political whole, while receiving from it mutual adjustment, and therefore expansion and a more liberal air."[2] It is thus not for the authority of any particular political organization that he is pleading, but for allegiance to the institutional life of a people as ordered and unified in the State. It is the State as the group of groups, the body of which all other bodies must be members, the whole that is presupposed by its parts, that claims our loyalty, not as a rival of these lesser groups, but as the condition and crown of their own best life.

But although the State is the supreme and all-inclusive social institution, it is not absolutely absolute since

[2] *Philosophical Theory of the State*, p. 150.

its peculiar sphere is the world of external action and its sovereignty does not extend to the consciences of men in their moral attitudes. It, however, is the sole judge of when the expressions of the individual conscience are dangerous to the rights of the community, and has the sole right, as representative of the will of the community, of suppressing such expressions. This does not mean that there is not a right of rebellion, but it does mean that such a right is not to be based upon the individual as such, but upon the interests of the social mind itself which is temporarily misrepresented by the actual governing body of the day. It must be an appeal from Philip drunk to Philip sober. The conscience we should recognize as supreme is not the private conscience, but the social conscience, which is more complete and more individual than that of the so-called individual. "The point to be remembered is that the individual only has his individuality through the social consciousness. The nearer he approaches to being himself the more he approaches identification with the communal mind. This mind can only be expressed as what the individual would be if he possessed in completeness all that his actual consciousness implies regarding the group life. If he sees reason to rebel, it is still as a social duty. It cannot be in virtue of some right of his own, as he would be, *per impossibile*, apart."[3] Reduced to the concrete, this means that when irreconcilable conflicts arise involving the use of force, the State, as representative of the general will, is the legitimate final authority, but that when its decisions are unjust there may be a duty of resistance

[3] *Social and International Ideals*, p. 281.

in the interest of the best life of society. In such case those who resist assume the responsibility of representing society more adequately than do its legal representatives. Bosanquet seems to admit that their assumption may be true, but his own interest is rather in emphasizing the fact that they are more liable to be mistaken, and that the petty gain in practical value may be more than offset by the injury done to the stability of the social organization itself. Such uncovenanted mercies hardly seem to him blessings at all as compared with the higher values to be obtained through the orderly processes of the State "as sole organizer of rights and as guardian of moral values."[4]

The truth seems to be, as Bosanquet complains[5] and his critics insist, that they are discussing *states* while he is interested in *the State* as such, or in its idea. Hence the possibilities of injustice and arbitrariness which they find in actual states and which make it impossible that they should be accepted as even absolute external authorities, he refuses to ascribe to the State as such and attributes to the failures of actual states to realize their own ideal, their failure, as he would see it, to be real states at all. A State so unjust as to justify rebellion is really unworthy of the name, and rebellion itself, instead of being an attack upon constituted authority, may be in fact only the first step in the establishment of a real State. Like his master Plato, therefore, it is of the State as an ideal that he sings, but like his predecessor Rousseau and unlike Plato, he seems to lack the courage

[4] *Social and International Ideals*, p. 284.
[5] *ibid.*, p. 276

to face the contrast between the ideal and the actual, ignoring the latter and writing as though our citizenship were indeed and now in heaven and not on earth. Yet, as one of his keenest critics has pointed out, the foundation "of true social method is to hold the ideal and the actual distinct and use our knowledge of the one as a means to realizing the other. We may pursue the two investigations, if we will, side by side . . . but every question that we ask and every statement that we make ought to be quite clearly a statement as to fact or an assertion of what ought to be, and never a hybrid of the two."[6] It is largely because of their failure to keep clear this distinction that idealists in general have laid themselves open to the misunderstandings and attacks of the more realistically inclined thinkers to whom we now turn.

The pluralistic theories have not yet been worked out in systematic form but consist largely of criticisms of the older classical doctrine of the unity and sovereignty of the State. An exposition of them, therefore, naturally takes the form of a statement of their points of divergence from this established doctrine rather than of a detailed account of the work of any one man. Four main points may be distinguished upon which they differ with their opponents: method, the reality of a general will, the basis of law, the unity of sovereignty.

Their criticism of the idealistic method of political theory has already been given in the words of Hobhouse and calls for but a word. They insist that any fruitful doctrine of the State must be realistic in its attitude

[6] Hobhouse, *Metaphysical Theory of the State*, p. 17.

toward facts, giving us an analysis of states as they actually are, with all their defects and limitations, and not a study of the State as it might be conceived in its ideal completeness. The characteristics and the authority that might belong to the perfect State ought not to be confused with those that inhere in the states of our actual experience. The constructing of Utopias may be entertaining, but it is not the business of a political scientist any more than it is the business of the psychologist and the moralist to treat of man as he might have been in his unfallen innocence or as he might be in his unforeseeable future. It is not denied, however, that the purpose and function of the State may be legitimately studied, as well as its present structure, and that such a study may form the basis for a criticism of the actual structure of today; but it is insisted that its purpose must be studied in its actual history and that its ideal goal be not confused with its struggling present. Had the idealists faced the facts of political history they never would have endowed the State with the characteristics of perfect unity, infallibility and absolute sovereignty. The cautious, empirical method is the only one from the use of which valuable results are to be obtained.

The application of this method brings them to their second point of difference, the denial of the reality of a general will. Metaphysicians, such as Bosanquet, had been contending that individuals are only elements or moments of a larger life realized in society and the State, and that their true freedom and good are therefore to be found in accepting the law of this larger life. The pluralist insists that the individual is the real unit and that

his individual will, just as he consciously wills it, is the only real will there is. The fact that I do not know all the implications of what I will, and that I am often dissatisfied with what I get, does not make this unsatisfactory and ignorant will any the less my own. My real will is just this imperfect actual one and not that supposed complete and larger will which I might be supposed to have if I were all that I might be. If I am a selfish creature and cheat my neighbor my real will is to do just that mean and unsocial thing, regardless of the fact that were I more enlightened I would realize that I would be better suited were I to cooperate with my neighbor in work for our common good. And this unpleasant trait of mine may be no mere passing phase, an accident in my career, but as deep and intense as any social quality could be. It may be a narrow self, an undeveloped self, a self unsatisfactory to itself and others, but it is my real self, none the less, and the only self for which I am responsible and upon whose presence and activity I can count, the only self that is in living interaction with its fellows and the world. That other and rational self of which the idealists speak is an idea, a vision, an ideal, a goal to be attained, and to be attained only by the efforts of that which can alone bring it about, my imperfect, limited, but actual self.

And society is made up of just such limited selves with wills for the most part at cross purposes with one another. Even if a number, or all, of these wills should by some miracle happen to agree for a few minutes, this would not constitute them one will, but merely give them one object, and an object is something in the fu-

ture distinct from that which wills it, a goal toward which, from different directions and with unequal progress, wills may converge. The doctrine of a general will, they contend, is a fiction generated by this confusion of the will with its object, of the actual with the ideal self. There are no wills but yours and mine, and these in only partial agreement.

And with this denial of the reality of the general will goes a denial of the doctrine of freedom bound up with it. For the idealist a man is free only as he is rational, and since his rationality lies in his conformity to the larger social self, his freedom lies there also. It is no limitation of this that the man may not recognize himself in his social enlargement, he *is* it, whether he recognizes it or not; and hence he is free even in his subjection to social coercion, more free than if he were left to the vagaries of his own capricious will, though not so free as if he were able to accept of his own motion the social good. But for the pluralist, such freedom of rationality, while it may have value and real significance, is not the freedom for which men have been contending through the course of political history. It is not the freedom of being rational, but the freedom of being rational or irrational, that men have sought. It is not for the privilege of having their lives guided by a better self, which they may not even recognize as such, that they have fought, but for the liberty of being their own masters, whether wise or foolish. To elevate social and moral tradition into the position of an authoritative self whose law is the law of liberty, is to deliver the individual bound hand and foot into the power of a creature of his

own making and to open the door to the worst abuses of paternalism and aristocracy. The attainment of such a rational social self is the goal of the individual, but it can only be reached by the free, though blundering, efforts of his own individual and actual self. The freedom that is the goal must be the product of the freedom that is in the process.

Nor, even were it to be granted that there is a general will, in identification with which the individual's will is to be realized, would the pluralist be willing to identify such will with the State. Even the ancient Greek State was not all-inclusive, did not take up all of life into its embrace. Above the social and public life and not reducible to it, was the life of philosophic contemplation, possible only on the basis of the civic life, but yet having a sphere and a good all its own, more like to the life of the gods than to that of men. Much more is this true of the modern State with its multiplicity of associations and its supposedly deeper life of the spirit. Only a very small part of the life of the modern man gets submitted to the public vote and is subject to the public conscience. The political organization is only one of the many ways in which social life finds expression and the general will gets its aims accomplished. This is true especially in the great states of today, where, as in the Roman Empire, government is remote from the citizen and his life is necessarily centered in the interests of his local community and his private fortunes. It is the conscience of his lodge, his union, his economic class, his church, his town, in which, if anywhere, his larger self finds expression, and not the conscience of the State. It is only in

these more intimate unities that he can make himself felt, and find in them, accordingly, a real expansion of himself. What my church does, I do; but what my State does, for that the government is responsible.

Moreover, the conscience of a group becomes less intelligent and less sensitive in proportion to the size of the group and the remoteness of its agents from the individual sources of authority. The public will as expressed by government, especially in democratic countries, is not the expression of a single clear insight into the needs of the situation, but is the resultant of innumerable cross currents of opinion, dominated by prejudice and private interest, and pushing blindly toward unseen ends. Rousseau's optimistic faith that these struggling private interests will neutralize one another and allow the dominance of the general will, finds little confirmation in history or social psychology. The intelligence and good will of the crowd is far below that of the individuals in it, and when the crowd is enlarged to the size of a State, responsibility is so divided and ignorance so great, that the public mind scarcely deserves to be dignified by such a title. To commit the individual conscience to the control of such a rudimentary organ as this under the idea that it is the expression of his higher self and the guardian of his true freedom, is criminally absurd. It is to stultify intelligence, negate progress and throw back the individual upon the guidance of the instincts of the herd.

The pluralistic discussion of the nature of law is best represented by the work of the French publicist Leon Duguit. His purpose is to formulate a political theory

more in accordance with the facts and implications of modern legal procedure. In particular he objects to the idea that there is a true public person or general will possessed of inherent rights upon which are founded public laws. There is no such public person. The only will we know is lodged in individuals, whether they be private citizens or whether they be members of the governing group we call the State. If a law is valid, therefore, its validity must depend upon something else than its being the expression of the will of a public person who has an inherent right to command. The sovereignty of the State has no such absolute and subjective basis but is itself relative to an objective principle which forms the standard of its legitimacy. His thesis is "that there is a rule of law above the individual and the State, above the rulers and the ruled; a rule which is compulsory on one and on the other; and we hold that if there is such a thing as the sovereignty of the State, it is juridically limited by this rule of law."[7] It is not the State that is sovereign but the law.

What is this sovereign law and what is the nature of its authority? It is clear that it cannot be a law in the legal sense of an enactment by a legislative body, since the authority of such a body must itself rest upon it. Nor is it the moral law of conscience, though upon this his words are not so clear, in spite of his emphasis upon the individual. Such a sovereign law must be social as well as authoritative. He finds it to be what he calls *a law of social purpose*, based upon the *fact* of social solidarity. By this he means that, although society is made

[7] *L'Etat*, par. 178.

up of individuals each seeking the realization of his true nature, such a realization can be found, not in the clash of interests, but only in social cooperation, since men are essentially *solidaire*, social beings, as the Greeks conceived them. This does not mean that such social cooperation is only the outcome of a selfish calculation of the advantages to be had from union, as Hobbes and the older individualism asserted, it means rather that the old sharp distinction between the good of the individual and that of the whole is a false one and that the real fact is that men can seek good only in fellowship with one another. On the other hand, however, this does not imply that men seek a common good, but only that they seek their good in common. Neither egoism nor altruism is the true expression of the facts of human nature.

In consequence of his solidarity among men, we can speak of a social purpose, not in the sense of a purpose held by a general social will, but in the sense of similar purposes possessed by individuals and resulting in common ways of acting and feeling. This will to live in common, possessed by all men in varying degrees, is the great fact upon which all social and political law rests. It is not an ideal, a mere ought, but an actual need and impulse in human nature. Implied in it are all the rules of conduct necessary to give it satisfactory realization, rules expressive of social health and effectiveness, at first only confusedly recognized, but becoming distinct and definite with the growth of self-consciousness. It is these that furnish the standards for legislation, the function of which is only to codify and enforce these principles already implicit and partially explicit in the

social consciousness of individuals. The State is thus not the creator or the basis of law, but its organizer and promulgator, itself subject to it.

As to the nature of the State, Duguit is frankly realistic. "The State is the man, the group of men, who in fact in a society are materially stronger than the others."[8] It is the group of men able to enforce their will upon their fellows, not a hypothetical general will with which the wills of all are really identical. "The idea of a material power legitimate by reason of unanimity is a fiction," for if all wanted the same thing there would be no need of commanding it. No, the State always involves power exercised by a group or class, the distinction of rulers and ruled, and the important thing to see to is that this power is exercised justly, that is, in accordance with these laws of social purpose, which bind the stronger equally with the weaker, or rather, more than the weaker, since they are able to effect more for social solidarity.

This idea of the subordination of the State to law is illustrated in detail in his recently translated book *Law in the Modern State.* He there points out that the development of public law is all in the direction of recognizing the responsibility of the State, not only for the misdeeds of its agents, but also for its own acts when these inflict unequal damage upon individuals.[9] Statutes may be declared unconstitutional, if not even annulled. So, too, the recognition of the rights of associations and of local self-government points to the same end. The

[8] *L'Etat*, par. 180.

[9] Wilde, "The Attack on the State," *International Journal of Ethics*, vol. 20, p. 7.

rules and statutes of these smaller groups do not originate in the State, yet are recognized by it as binding upon their members and enforceable by law. Everywhere there is implied the idea of the State as only the enforcing agent for the ends set by the social purpose. As he summarizes his theory: "Individual consciousness and individual wills solidary with one another; a rule based on this solidarity, which is a mandate for individual consciousness and wills; individuals stronger than others, who in consequence of this rule are under a duty to put their strength at the service of solidarity; a statement of this rule by the rulers and an organization of the means of sanction,—this is the State, objective law and positive formal law. The notions of the personality of the State, of sovereignty, of subjects of law, do not correspond to reality and should be definitely banished."[10]

The interpretation of this general doctrine presents some points of difficulty. In its idea of the nature of law as expressive of social purpose, as well as in its conception of the solidarity of men and the harmony of individual and collective good, it seems to bear a strong resemblance to the monistic theory. The differences, however, are more fundamental than the likenesses, founded as they are on a sharp distinction in metaphysical theory; since for the monist this social purpose represents a single individual social will or reason, while for the pluralist it is only a similar purpose held by countless individuals. This makes the problem of the relation of the individual to the whole a harder one for the plu-

[10] *L'Etat*, par. 199.

ralist than for the monist, since for the latter the identity of the individual good with the social good is implied in the very conception of individuality, it is a metaphysical presupposition, while for the former, it is based upon a rather doubtful study of social facts. And it is here that Duguit's doctrine seems not quite clear. His explicit aim is to base all law upon facts and to get rid of ideal obligations, hence the solidarity of men must be assumed to be actual. They must be shown *actually* to seek a good which is compatible with others' good and thus the law to be based upon an actual social purpose, or else the law must be based, not upon men's actual willings, but upon an ideal purpose other than those embodied in these particular individuals. The latter way is the monistic way not open to the pluralists and hence, in spite of his repudiation of Rousseau, Duguit is forced to an optimistic view of human nature not dissimilar to that of the *Social Contract* in its confusion of ideal and actual, when he states his conclusion thus, "Man is solidary with other men; he desires solidarity because he cannot be other than solidary, and for that very reason he ought to desire solidarity."[11] Man *is*, he *must* be, he *ought* to be, solidary! It is only by ignoring these distinctions and speaking now in terms of actual motives and now in terms of ideal ends that Duguit seems able to hold the idea of a unified and harmonious social purpose as the basis of objective law and the foundation of the State.

The subordinate position assigned by him to the State follows from his identification of it with the governing

[11] *ibid.*, par. 188.

group rather than with the whole complex of social institutions. Taken in this sense there would be no quarrel between him and the monists for they too would recognize that the governing group ought to be limited by the purpose inherent in the whole. Only, again, unless we assume an ideal character and intelligence in this ruling group, it is hard to see how we can conceive them as bound by this social law, since, having the power, there is nothing but their actual impulses to serve as the moving causes in their action.

In Harold J. Laski we have one of the most militant, as well as learned, champions of pluralism. His approach is largely from the side of the new socialized jurisprudence with its humanistic interpretation of laws and constitutions and its emphasis upon administrative decentralization. The worship of the unitary and sovereign State must be destroyed and men's allegiance given to the lesser, but more intimate, deities of the smaller social groups. Or, rather, in Mr. Laski's thought, this state worship is already undermined and the task is merely to make its idealistic priesthood recognize that men's hearts are really given to the minor gods of union, lodge and church, and that if the State is to be admitted to the modern pantheon, it must come in due humility on terms of democratic equality.

His attack, then, is centered upon the classical doctrine of sovereignty, that there is an institution which of right ought to dominate all other institutions and is in fact the source of all their legitimate authority. Instead, however, of making his argument on this question of whether there ought to be such an all-embracing

sovereign, he changes the issue by adopting the realistic method and insisting that sovereignty is not a matter of ideal obligation but of actual ability to secure assent, and that therefore the vital problem is not that of whether any institution ought to be sovereign, but of whether any actually is sovereign in the sense of being always able to secure obedience to its commands. And this is a matter of interest. Whether it is a matter of coercion or free assent, in all cases there is no authority save as the individual's interest is evoked, either directly through his sharing in the State's purpose, or indirectly through the rewards and penalties inflicted through the agency of those who are directly interested. Whatever organization of men, by means of the interest of its embodied idea, has this ability to secure assent, is sovereign. To ask, then, of any given political or national entity whether it contains one sovereign or many, is to ask whether there is one dominant interest or many. More specifically, it is to ask whether the institution we call the State actually has the ability to secure the assent necessary to constitute sovereignty or whether, on occasion, there may not be other organizations whose hold on men may be so strong as practically to supersede the sovereignty of the State. If there are, we must deny sovereignty to the State in any unique or unitary sense and recognize it as only one of the organizations in the group, competing by its offered interests with other organizations for the allegiance of its members. Which institution will out-bid its fellows cannot be determined by its definition, but is decided by the relative strength of the various interests in society at the given time.

Laski's position rests, naturally, upon his definition of the State as a "territorial society in which there is a distinction between government and subjects," and he emphasizes again and again the importance of this point that there is always this "division into a small number who exert active power, and a large number who, for the most part, acquiesce." This, he recognizes, is virtually to identify the State with the government as the dominant part of society imposing its will upon the whole, and able to do so because it alone is really possessed of an active self-conscious will, the rest being too inert to do more than follow this active leadership. The State being thus identified with a particular governing class or group, it is not difficult to show that the power of this group is not absolute but is limited and derivative.

The most important external limitation is to be found in the existence of natural rights which all governments are forced to respect if they are to retain their authority. The earlier conception of natural rights was metaphysical or theological, implying the existence in individuals of essential rights, given once for all in their native endowment and irrespective of social conditions. They were as much a part of man as his nose or his eyes, or more so, for while his nose or his eyes might be destroyed by physical violence, his rights, though physically violated, still belonged to him in the ideal order of existence. It was this conception of a fixed and definite code of rights, ascertainable by pure reason and true for universal humanity, that animated the revolutionary movements of the eighteenth century and gave them their abstractly idealistic character. But the modern doctrine of

natural rights is realistic and historic. It knows nothing of humanity as such and its abstract rights, but finds only a varying body of traditions as to what are the essential conditions of social welfare. At every stage in the development of a people are found certain standards of living that fix the terms upon which men are willing to endure a given order. As long as society meets these terms they are willing to go peaceably about their business, but if these terms are not met and their fundamental habits of living and acting are interfered with, they rebel and demand their rights. What these fundamental rights are is not determined by human nature in the abstract, but by the customs and expectations of a given age and people. We may speak vaguely of life, liberty and the pursuit of property and happiness, but these moving terms have no meaning save as interpreted in terms of particular men and times. In every growing society there is as much need for the revision and reinterpretation of its rights as there is in the growing child for the alteration of its diet and the changing of its clothes. The State, then, must adjust itself to these historic demands if it is to retain its position and authority. It is these social demands that are absolute, if any social authority can be called so, and not the State, which rules only as it gives adequate satisfaction to its social master. It is these fundamental principles of human welfare that get written into constitutions and bills of rights where they serve as warning notices of what the people will endure. But because demands grow with their satisfaction, these notices become antiquated and revision or revolution is the result.

Besides this limitation by natural rights, Mr. Laski

stresses the growing importance of extra-political bodies as agents of the public will, bodies either expressly commissioned by the government to do its work, such as scientific and business commissions, or else organizations accepted as independently representative of certain groups and acting for them in their relations with the State, such as labor unions. So, too, religious bodies seem to occupy a position external to the State and to exercise their functions irrespective of its authority. Illustrations of these facts are unnecessary, but they are all significant of the truth that the State can no longer be considered the sole and absolute expression of sovereignty, since these other bodies have grown up as equally direct agents of the people's will and of equal potential power of obtaining their assent.

Both these limitations upon the sovereignty of the State are limitations of it by the popular will. The thesis is that the State, in the sense of the governing group, is dependent for its authority upon its relation to the interests and demands of the people and that experience shows that it often fails to meet these demands and hence loses its authority. Sovereignty is incomplete because the State fails to secure assent, fails to represent the popular will. The implication is that it is this popular will that is truly sovereign and can alone give legitimate authority. But while it is true politically that this general will, if it existed and we could get at it, would be the ultimate political sovereign, Laski is not willing to go with Rousseau and his successors in recognizing it as morally ultimate. Even though an action might have behind it the universal consent of the people and

be politically perfect in its obligation, it would not necessarily be morally justified. It would still have to face the judgment of conscience, for its rightness cannot be determined by counting votes. The people, even the whole people, may be wrong. This, he contends, "makes an end of the sovereignty of the State in its classical conception. It puts the State's acts—practically, as I have pointed out, the acts of its primary organ, government—on a moral parity with the acts of any other association. It gives to the judgments of the State exactly the power they inherently possess by virtue of their moral content, and no other."[12]

This brief account of Mr. Laski's position does scant justice to his acuteness, earnestness or wealth of learning, but it presents what seem to be his main theoretical ideas. Sovereignty seems to be lodged in the people rather than in the political organization or governing group, and the people seems to be understood in the democratic manner as the consenting majority, the actual power-exerting citizens who stand back of the government, significant public opinion. In this he differs from Bosanquet, partly in name, in that the latter refuses to identify State with government, and partly in his realistic conception of this sovereign people as the actual people and therefore as neither unified, wise, nor good, and hence, indeed, not really sovereign at all in any absolute sense. This distracted and divided public opinion is the best we have, but it is after all very fallible and open to individual criticism. He refuses therefore to worship at the altar of Demos, maintains the integrity of his

[12] Laski, *Phil. Rev.*, 28, pp. 571-2.

own conscience and busies himself with devising schemes to protect himself and his fellows against the tyranny both of Demos and his too officious agent the State. Only the individual, or at most, small groups of him, or groups representing special interests of him, can be trusted to manage his affairs. Bosanquet, on the contrary, while recognizing the defects of the actual public will, places his faith not on the individual, but on the reason embodied in social tradition, and feels safer and more free in the stately structure built up by the unconscious logic of history than in the flimsy contrivances of the individual intelligence. Both appeal from the judgment of the people, but while the former is impatiently ready to invoke the protestant conscience the latter is endlessly willing to await the slower conclusions of the catholic State. But below these differences in the radical and conservative temper it is possible to recognize the admission by both, though in varying degrees of reluctance, that sovereignty as an absolute external authority is not to be found in the political State.

PART TWO

PROBLEMS OF THE STATE

v

THE SOCIAL WILL

OUR problem is that of the justification of the State, the question as to whether, and why, it has a rightful claim to our recognition and obedience. And to solve this problem of justification we have to consider the place it should have in a reasonably organized life; for to justify an institution is to exhibit it as involved in an intelligent order of life, as something that develops, sustains and satisfies the will of a reasonable being. It must be shown that men in carrying out their settled purposes necessarily or naturally build for themselves a State, and that it is no external, artificial or accidental thing, but an essential condition of human excellence. Our discussion, therefore, carries us back to the psychological questions of the nature and objects of human choice, as well as to the ethical problem of the ideals involved in such choices.

Had the question as to the mechanism of human conduct been put to most of the political writers and philosophers of the eighteenth and early nineteenth centuries, the answers would have been given in terms of pleasure-pain and reason. It would have been assumed that men universally sought pleasure and avoided pain, and that reason was the faculty by which the best means could be selected for the attainment of this end. In the often quoted words of Jeremy Bentham, "Nature has placed mankind under the governance of two sovereign mas-

ters, pain and pleasure. It is for them alone to point out what we ought to do as well as to determine what we shall do. On the one hand, the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne."[1] The problem of political organization for these thinkers was thus simply the problem of showing that one type of political structure or some measure of a political party was productive of the greatest pleasure, and the highly intelligent citizens concerned would respond with mechanical dependability. Enlightened selfishness was the human trait upon which the social reformer could always count for the production of the results in which he was interested.

But the nineteenth century with its biological studies has discredited this simple conception of man as a rational pleasure-seeker, and laid bare the less conscious and more irrational forces that constitute the basis of all life. His kinship with the animal has been brought out, the sphere of his self-control has been shown to be strictly limited, and the moving forces in his conduct have been seen as instinct, passion, prejudice and appetite, rather than as the cool calculations of self interest. In the words of McDougall: "We may say, then, that directly or indirectly, the instincts are the prime movers of all human activity; by the conative or impulsive force of some instinct (or of some habit derived from an instinct) every train of thought, however cold and passionless it may seem, is borne along towards its end, and every bodily activity is initiated and sustained. The instinctive impulses determine the end of all activities,

[1] *Principles of Morals and Legislation*, chap. I.

and supply the driving power by which all mental activities are sustained; and all the complex intellectual apparatus of the most highly developed mind is but a means toward these ends, is but the instrument by which those impulses seek their satisfaction, while pleasure and pain do but serve to guide them in their choice of the means. Take away these instinctive dispositions with their powerful impulsions and the organism would become incapable of activity of any kind; it would lie inert and motionless like a wonderful clockwork whose mainspring had been removed, or a steam engine whose fires had been drawn. These impulses are the mental forces that maintain and shape all the life of individuals and societies, and in them we are confronted with the central mystery of life and mind and will."[2]

But, as Graham Wallas points out in commenting on this passage,[3] there is embodied in it a remnant of the former sharp separation between feeling and thought, and a tendency to an equally one-sided anti-intellectualism. It is inaccurate to contrast the instincts, as predetermined tendencies to react in fixed ways to given situations, with thought, as a mere apparatus for carrying out these reactions, since thinking is itself as much a predetermined tendency as any of the other instincts. We are as truly thinking machines as we are eating machines or loving machines or fighting machines. The human child thinks as instinctively as the cat scratches, and in as instinctively fixed ways. It is the ignoring of this fact that has led to the many forms of irrationalism and anti-

[2] *Social Psychology*, p. 44.
[3] *The Great Society*, p. 40.

intellectualism consequent upon the growth of the theory of biological evolution with its supposed discrediting of the higher powers of man. But the recognition of the element of continuity in the development of all forms of life ought not to mean the denial of difference: nor should the fact that man has instincts in common with the animal blind us to the equally evident fact that he also has instincts of his own, as peculiarly his own and as authoritative for life as are the special instincts of the other species. Thinking is such a specific instinct, and the theory of evolution gives us no ground for ignoring it in favor of the blinder forces we have in common with the lower animals.

Human action, therefore, is not a matter of pure rational consideration of the pleasure-pain elements involved, but results from deep-seated impulses to react in certain ways to the typical situations in which the individual finds himself; impulses which may bring pain and involve toil, but which, nevertheless, express the very nature of the being who possesses, or is possessed by, them. Some of these modes of reaction, like those of the lower animals, seem fixed and machine-like, but others, more within the field of consciousness, are modifiable in the light of the new data furnished by the human intelligence. Instead of reactions which express the nature of the race as that has become fixed in the process of development, we have actions which express the nature of this particular individual in his relation to the situation as this has been revealed through the analysis made possible by his intelligence. In danger, it may no longer be the simple instinct of fear that determines his

action, but an understood idea of the meaning of the situation, involving, perhaps, the possibility of its control and the subsidence of the original fear. It is the emergence of this instinct to think, with its unlimited power of analysis, that makes the conduct of the human being more than a mere repetition of the habits of the race and gives to it that relevance and individuality that distinguish it from the generic reactions of unpurposed instinct.

Nevertheless, no matter to what extent the thinking powers have been developed, nor how wide the field of action illuminated and made intelligent by them, it remains true that pure thought as a bare logical system of ideas has in itself no power to produce action. Without the instinctive and emotional dispositions the organism, as McDougall says, "would lie inert and motionless." The function of ideas is not to initiate motion, but to idealize it. Their power over the passions does not consist in any ability to oppose them by main force, but in their power to interpret them and to dissociate them from their immediate objects. It is by this interpretation of the meaning of the objects of the native instincts, by the bringing to light of their hidden aspects, by the discovery of their unsuspected relations, by the transformation wrought through thinking in the whole appearance of life, that thought is able to organize and civilize and idealize these instinctive energies of men that form the driving power in all conduct. When we deliberate in regard to conduct we are, in effect, considering what the bearing of the proposed action is upon the dominant dispositions that make up our selves. Is it, we

ask, what we really want? Does it further our interests? Does it carry us further along toward our goal? And if it does meet these demands our energies are turned in its direction and the proposed idea becomes embodied in our conduct.

But to say that our deliberations are concerned with the question of what actions will best satisfy our interests, is to express the matter a little too simply, for it seems to imply that we are made up of a bundle of unrelated interests which are to be satisfied in their severalty irrespective of their relations. At the level of intelligent choice, however, we find problems, not only of the best means to meet the demands of the various interests, but also of the place of these interests themselves in life as a whole. For, as we have found, human life differs from that of the animals in the degree to which its instincts are modifiable by intelligence. It has, therefore, a problem of ends as well as one of means. We can not accept ourselves and our tendencies as merely given fixities, but must raise the question as to which of our interests are to be encouraged and which are to be left undeveloped. The problem, as it comes to present itself at the stage of moral living, is thus that of the kind of character we would choose to have, or the type of person we would wish to be. The significance of the present choice is not to be found merely in its bearing upon the satisfaction of temporary desire, but much more in its effect in encouraging a whole system of interests of which this specific desire is only a symptom or a part. Before we can make our decision intelligently we must know what kind of a self as a whole will be given stimulus and encour-

agement by the satisfaction of this want, for a self, as all things, grows by exercise. The discovery and realization of the true and final self is thus the task that is implicit in all our deliberate choices.

In any discussion of this problem of will there is danger of an ambiguity that may vitiate the whole argument. To say that the task in deliberate choice is that of discovering the true self seems to imply an element of self-consciousness not always to be found in the process, as well as one not wholly desirable. Our important decisions seem to be more objective than this, to be concerned with matters more weighty than the quality of our private selves. Not the fortunes of the self, but the building of a world, seems the important thing and the end toward which our serious efforts are directed. Normal action is outward looking, not introspective, the fixing of attention upon the self being a sign of weakened effort and slackening will. This is all perfectly true and any analysis that separates the self from its objects, and places the value of the latter wholly in their contributions to the upbuilding of a private and not otherwise determinable self, has failed to grasp the facts in their concrete relations. What we are, we have become only as we have taken an interest in objective activities and thrown ourselves into the work of the world. It is this work that has drawn us out and revealed us to ourselves, developed our latent possibilities and furnished the conditions of our growth. "Every moral act," says Dewey, "in its outcome marks a development or fulfilment of selfhood. But the very nature of right action forbids that the self should be the end in the sense

of being the conscious aim of moral activity. For there is no way of discovering the nature of the self except in terms of objective ends which fulfill its capacities, and there is no way of realizing the self except as it is forgotten in devotion to these objective ends." And again, "The problem of morality, upon the intellectual side, is the discovery of, the finding of, the self, in the objective end to be striven for; and then upon the overt practical side, it is the losing of the self in the endeavor for the objective realization."[4]

The self we are concerned with in volition, therefore, is not a ready-made and hidden reality, to be known only by turning away from the world and entering into the secret recesses of the soul through introspection, but is the systematic organization of interests wrought out by experience of, and action upon, the world. The life of intelligent choice is thus a constant testing of our proposed conduct by reference to its bearing upon these organized interests we call our self, or else, less frequently, a reconsideration of the value of this actual self in the light of some action we find to be involved in it or excluded by it. But in both cases alike, whether in the assimilation of the new to the old or in the reorganization of the old through the new, there is the implication of a system of life which, if discovered, would be the true life of the individual and the satisfaction of his needs. Just what this would be he does not know, his life is a feeling after it, but whatever act he thinks to be implied by this ideal he feels as imperative upon him, as demanded by his self. It is in this sense then that the ob-

[4] Dewey and Tufts, *Ethics*, pp. 391, 393.

ject of his will may be said to be the ideal self, not in its complete verity, but as it appears to him at the moment of choice in the light of his present interests. From this formal point of view, then, every man may be said to be willing the same thing, the ideal self, but this is very far from implying that the real object of their wills is the same, since into this formal concept may be put the greatest variety of conflicting aims. This formal unity is only a likeness of mental mechanism and not a unity of moral purpose. Not to recognize this is to lay the foundation for much confusion in our ideas of the social will.

In the consideration of this problem of the social will to which we now come, we must start from the obvious fact of the necessary physical interrelation of individuals. The human animal is by nature connected with his fellows, as offspring, as parent, as antagonist or companion, and his nature and his habits are determined by these relations, apart from, and previous to, any reflection on his part as to their meaning and value. Natural selection sees to it that his instincts are such as to enable him to get on with his fellows and to live long enough to propagate and care for his kind. What unity there is in his life is the product of nature, and the self thus developed, if we may call it a self, is an animal self.

With the growth of group life and the development of intelligence there comes a more or less vague consciousness of the worth of the habits thus established and they become ends to be promoted and improved, elements in a system of life found good and to be enforced. Instead of pure instinct, these approved group customs become the molding forces in the individual hu-

man life, determining the type to which it must conform if it is to maintain itself and prosper in its social environment. Only as men are alike in their reactions to the great natural situations can they unite for work or defense, and only as they unite can they survive. If their approvals and disapprovals are in contradiction, if they form, as Plato says, not one city but two, they are bound to fall a prey to the group that is really one.

But when primitive group life gives place to the more complex structure of civilization, when groups multiply within the group and the individual is no longer limited to membership in a single compact body but may become a member of many loosely organized groups representing the greatest variety of human interests, then first he emerges as an individual, the development of his special aptitudes becomes possible, and he is forced to organize his own interests and make his own choice between the types of life now offered by a diversified civilization. Custom no longer inevitably determines his ideal, for there are many and conflicting customs. He is compelled to reflect, to decide which of his interests he shall encourage, until, partly from necessity, partly from choice, he has built up a conception of the life that he believes to be the expression of his self.

While civilization, however, has made the individual by detaching him from his natural unity with the single group and giving him the freedom that comes from the voluntary choice among many groups, the process has not resulted in making him independent of all groups and setting him over against society as sufficient unto himself. The interests that he makes his own, the work into which he throws himself, the projects that he forms,

the investigations that he undertakes, the amusements that beguile him, the conveniences that surround his life are all socially conditioned and impossible without the cooperation of the various groups that are their basis. Whether he be artist or artisan, laborer or capitalist, social worker or sensualist, scientist or professional man, his individuality consists, not in his isolation, but in his choice of groups and in the uniqueness of his contribution to them.

And not merely is the individual dependent upon society for the carrying out of his interests, but without it these interests would never have been evoked. Without the various stimuli furnished by civilization and its products, his powers would have lain dormant and he never would have become conscious of what he might have been. He would have remained as barren as the seed cut off from sunshine and rain. "Apart from the social medium, the individual would never 'know himself'; he would never become acquainted with his own needs and capacities. He would live the life of a brute animal, satisfying as best he could his most urgent appetites of hunger, thirst, and sex, but being, as regards even that, handicapped in comparison with other animals. . . . It is from seeing noble architecture and hearing harmonious music that the individual learns to know to what his own constructive and rhythmic tendencies, otherwise blind and inchoate, may come. It is from achievement in industrial, national, and family life that he is initiated into perception of his own energy, loyalty, and affection."[5]

Modern psychology confirms these conclusions drawn

[5] Dewey and Tufts, *Ethics*, p. 433.

from social history. Baldwin and Royce and their successors have shown us that the child comes to a consciousness of himself only through a consciousness of his fellows. It is through observation and imitation of them that he learns what a self is, and it is by means of the social demand upon him that he comes to think of himself as a responsible human being. Apart from imitation, apart from his dramatic rehearsal of the play he sees about him, the child would be unable to understand the meaning of human life or the possibilities of his own nature. His individuality is his own peculiar manner of playing his part, his own special variation upon the theme of life, but without the play to rehearse, or the theme upon which to vary, his selfhood would be unmeaning.

From a different point of view Professor James has emphasized the tremendous importance to a man of his social self and the part it plays in the development of his higher life. "A man's Social Self is the recognition which he gets from his mates. We are not only gregarious animals, liking to be in sight of our fellows, but we have an innate propensity to get ourselves noticed, and noticed favorably, by our kind. No more fiendish punishment could be devised, were such a thing physically possible, than that one should be turned loose in society and remain absolutely unnoticed by all the members thereof. If no one turned round when we entered, answered when we spoke, or minded what we did, but if every person we met 'cut us dead,' and acted as if we were non-existing things, a kind of rage and impotent despair would ere long well up in us, from which

the cruellest bodily tortures would be a relief; for these would make us feel that, however bad might be our plight, we had not sunk to such a depth as to be unworthy of attention at all."[6] That our love of recognition is largely independent of the worth of those who satisfy it is testified to by the existence of that class of persons "whose passion is to keep their names in the newspapers, no matter under what heading, 'arrivals and departures,' 'personal paragraphs,' 'interviews,'—gossip, even scandal, will suit them if nothing better is to be had. Guiteau, Garfield's assassin, is an example of the extremity to which this sort of craving for the notoriety of print may go in a pathological case. The newspapers bounded his mental horizon; and in the poor wretch's prayer on the scaffold, one of the most heartfelt expressions was: 'The newspaper press of this land has a big bill to settle with thee, O Lord.' "[7]

Facts such as these from sociology and psychology do but confirm Aristotle's common sense assertion that man is a political or social animal. But in what sense and to what extent is he social? Physically, economically, intellectually, esthetically, socially, he seems entangled with his fellows. He is born of them, he lives from them, he thinks with them, he acts like them, his very notion of himself is derived from them and he cannot bear to think of himself as unrecognized by them. From childhood to old age all the implications of his being seem to bind him to his social group as the medium in which alone he can live and move and have his being. But yet

[6] *Principles of Psychology*, I, p. 293.
[7] *ibid.*, p. 308.

we must not read too much into these facts or assume that the individual himself reads their meaning with perfect clearness. It is wholly true that a man cannot find himself or get what he wants apart from the co-operation of his fellows, but it is equally true that he may use this social medium, not for its own ends, but for his. In spite of the fact that he is the child of society, made in its image, nurtured by its care, when he comes to years of discretion or indiscretion, he may repudiate his debt to it, remain in purely external relations to it, refuse to enter into its spirit or to adopt its welfare as his own. He may work and play with it, think and act with it, and yet use it merely as a means to the furtherance of his own ends. And this attitude of his, while it may for the most part result in actions that are socially useful, is in its essence, unsocial and, on occasion, dangerous to the welfare of society. Entanglement in the mechanism of society is thus by no means necessarily identical with adoption of its aims.

We cannot speak, therefore, without qualification of man as having a social will. Actually, in his spirit, he may be anti-social, willing the injury of society for the benefit of himself. We may say, from the point of view of superior wisdom, that such an anti-social will contradicts itself since it can get what it wants only through the aid of that society which its own act tends to antagonize or even to destroy, nevertheless the contradictory will is the actual will of the agent and cannot be set aside as a mere nullity. Plato and the idealists distinguish between getting what we want and getting what we will, insisting that the latter is always a good, though

the former may be an evil, since the individual cannot be understood as ever really willing anything but a good. This is to identify the real will either with an indefinite will to good of any sort, or with the will as it might be if its knowledge were complete and its disposition perfect, that is, with an ideal or absolute will. It is the evident fact, however that our wills are never directed toward good in the abstract but always toward some special form of it, and that special form is never simply good but often largely evil; and it should be equally clear that the ideal will which the individual might have if he were not unfortunately himself is a different one from that which, being himself, he actually does have. The fact that the evil-doer does not obtain complete satisfaction through his deed is evidence that he has not taken his own measure accurately and has neglected fundamental needs, with the satisfaction of which his evil act is not consistent, but it is misleading to assert that his real will through it all has been for that social and ideal good which it is the essence of his particular act to have neglected. Such a completely perfect will is only rightly to be conceived as an ideal, the goal of a development to be achieved through the discipline of our actual, but imperfect wills. To conceive it as already achieved is to destroy the moral significance of the social struggle.

Granted, then, this imperfectly social character of human nature, this unsocial sociableness, we have to ask whether there is any meaning to be found in the idea of society as embodying a general or social will. We speak, certainly, of the will of a group, of an association, of a

nation, as if these bodies had ascertainable wills of their own and could be treated as in some sense responsible persons, as if, over and above the private wills of individuals, there were a public will not to be identified completely with theirs. When our first vague notion of this public will is replaced by one more critical, and we come to realize that the unity of the public action is not the unity of a single will in addition to, and controlling, the wills of individuals, we are apt to pass to the other extreme and assert that society is made up of pure individuals, the idea of a general will being a mere confusion of language. But a middle position is possible. While it is true that in the biological and psychological meaning of the term there is no volitional process save that in individuals, it is also true, as we have seen, that these processes do not take place in a vacuum and in independence of one another, but are what they are largely because of the place of each in the social medium. We may, therefore, recognize the existence of a single system of inter-related wills, the members of which, while pursuing to a large extent their private interests, are yet influenced in their actions by certain principles or customs held in common. These guiding rules may be merely traditions, or they may be the products of reflection, drawing common conclusions as to the most expedient ways of attaining private ends, or they may be, less frequently, perhaps, the dictates of a conscience with its gaze fixed upon an ideal of social justice, but whatever they may be in their origin and validity, they represent unifying principles of conduct upheld by the members of the social group. Under the influence of

passion or impulse, the individual may disregard these standards, but in so doing he comes into contradiction with himself and frustrates his own aims by undermining the conditions of their realization. There is thus implied in all human action a certain structure of society, maintenance of which is essential to success. So far, therefore, as the members of a group, even in their unsocial action, imply the existence of some kind of social order, if only as a means to their own success, it may, perhaps, be justifiable to speak of the reality of a social or general will in society, but we must bear in mind constantly that this is not a will to the good of that society, or even to the real good of the individual who is doing the willing, but only a more or less conscious interest in the having of some kind of a social structure as the theater of the individual's life. It may, of course, be much more than this in the minds of some, and be a genuine interest in the common good, but the most that we can presuppose as the common content in all minds is this morally neutral interest in having a world at all. But the things done in this world, the uses to which the social machine is put, are as various as are the individuals involved, so that the impression made is often that of chaos rather than of social order, a war of all against all, in which moralities and conventions and institutions of all kinds seem meaningless in the clash of radically anti-social wills. Yet out of these periods of revolutionary chaos there rise again ever new institutions to replace the old as the necessary expression of the human spirit, testifying to the truth that, in spite of antagonisms, real though they be, man is not and nev-

er can be, a mere individual, since he has within him these ineradicable impulses toward the building of a larger social self.

And this raises the final question in regard to the social will, a question perhaps already answered by implication, but needing for exactness a little more amplification, that of its standard or ideal goal. Every will is a social will in the mechanical or structural sense that we have just been discussing, but not every one is a good will. We distinguish between those that use their social tools and opportunities rightly and those that seem to fail of their purpose and come short of the ideal. What is, then, this purpose and what do we mean by their ideal?

This problem of the human good is as old as human reflection and the answers given have been many and various. To formulate an answer at the close of a chapter is to be dogmatically brief, but extended discussion would carry us too far afield. Briefly, then, as we have seen, men's choices are the expression of their interests. Some of these are fundamental and some are accidental; some are harmonious and some are conflicting; some are constructive and some are destructive, but all express some partial and momentary phase of the self manifesting itself under the special conditions calling for action. As the individual comes to self-consciousness and begins to take control of his life, his problem becomes that of distinguishing the fundamental from the accidental, the harmonious from the conflicting, the constructive from the destructive and, out of the confused chaos of his natural desires, organizing a life that shall express his final and deliberately chosen self. Generated and

controlled as we have seen the self to be, there can be no question that in such a plan of life the social self must have a central and dominating place. We are fundamentally members of a society and the actions that separate us from, or antagonize, our fellows are actions that bring us finally into real contradiction with ourselves and frustrate our true natures. In the words of John Stuart Mill, "The social State is at once so natural, so necessary, and so habitual to man, that except in some unusual circumstances or by an effort of voluntary abstraction, he never conceives himself otherwise than as a member of a body; and this association is riveted more and more, as mankind are further removed from the state of savage independence. Any condition, therefore, which is essential to a state of society, becomes more and more an inseparable part of every person's conception of the state of things which he is born into, and which is the destiny of a human being. . . . He comes, as though instinctively, to be conscious of himself as a being who *of course* pays regard to others. The good of others becomes to him a thing naturally and necessarily to be attended to, like any of the physical conditions of our existence." This feeling, to those who have it, "does not present itself to their minds as a superstition of education, or a law despotically imposed by the power of society, but as an attribute which it would not be well for them to be without . . . few but those whose mind is a moral blank, could bear to lay out their course of life on a plan of paying no regard to others except so far as their own private interest compels."[8]

In the last sentence of this passage, Mill refers to an

[8] *Utilitarianism*, chap. III.

essential characteristic of the moral choice, that it must be a choice of the common good for its own sake and not merely for the sake of some private advantage involved in it. Only as a man is interested in the social order itself and willing to accept any place in it demanded by the social good, do we call him really social. Morality, as Royce has emphasized, is loyalty, and loyalty is "the willing and practical and thorough-going devotion of a person to a cause." In this devotion to a cause, a man is freed from the pettiness of his individuality, brought into communion with his fellows and given an object alone adequate to the powers of the self. But this is so only as his interests are really expanded to the measure of the cause and it becomes for him the meaning and justification of his life. The human good is thus an ideal good, whose value is not to be estimated in terms of the sense satisfactions of him who wills it, but is chosen as constituting that larger life with which the individual is alone willing finally and deliberately to identify himself.

And this identification must be a self-identification, it cannot be a process wrought out for the individual by forces external to himself. His good, to be really his good, must be one he himself recognizes and appropriates for himself, not one merely imposed upon him by authority, be it that of the family, society, or the church. His ideals must be those of his own experience, expressive of the meaning of his own life, and answering to the needs of his individual self. An order of social life conformed to out of habit, deference, or compulsion, remains a thing external and, in so far, incapable of constituting a man's real good.

What concrete forms the good life will assume cannot be known previous to experience. Like all life, its nature is only revealed in the living. In committing himself to his cause the individual is, in a sense, signing a blank check for he cannot tell what may be involved in his act or what will be the outcome of his venture. He only knows that in this direction his true life is to be found and he stakes his all upon the value of his cause. His choice is the test of his personality, the expression of his faith that in giving himself to this work he is realizing the kind of self he would fundamentally wish to be.

The conclusion, then, to which we have come is this. Our choices are the expression of our interests. So far as they are consciously directed, they are determined by reference to the more or less permanently organized group of interests we call the self. This self is socially conditioned, both as to its origin and as to the kind of interests that make it up. This fact, however, does not imply that the individual recognizes this relation or that his will is social in the sense that he puts himself at the social point of view and acts for the social good. So far as his voluntary choices go, he may ignore these social implications of his being and set himself in opposition to society even though it may involve conflict among his impulses and the thwarting of his cherished aims. The social will, therefore, is not the natural will, something we may assume as given by nature and inevitable, but is rather of the nature of a task, an ideal to be worked out only through the individual's own efforts for development and self-discipline. To assert a social will in any other sense than this is to confuse the actual give

and take of social life with an interest in the common good. Such an interest is the individual's own act and expresses his faith that the good of life is to be found only in a community of self-conscious and socially-minded selves.

VI

RIGHTS AND DUTIES

ANY theory of the State must come to an understanding with itself on the subject of rights. Whether in affirmation or denial, it must raise the question of their existence, define their nature, and consider their supposed basis. For it is by relation to the idea of rights that the State itself gets its definition and status. If rights are assumed to inhere absolutely in the individual, then the State is apt to be regarded as a secondary product with its powers strictly limited by reference to the rights in which it has its basis. Or, if such individualism is pushed to its extreme conclusion, we may have the doctrine that the State is a usurper, antagonistic to all rights, a thing to be overthrown in the interest of human freedom. Or, if rights are seen as conditioned by society, there may be developed the theory of the absolute State as their source and guardian, the political providence in the hands of which rest the fortunes and the happiness of individuals.

The meaning and basis of rights, therefore, becomes our next problem. Before considering it directly, however, it is necessary to look briefly at the subject of institutions and their place in life, for it is always within some institution that the individual comes to a consciousness of his rights, even though the use that he makes of that consciousness is to repudiate the condition that gave it birth.

As we have seen in the last chapter, men are naturally gregarious, if not out of sympathy, at least out of necessity. They want things that can only be had in common and to secure these they associate themselves together, acting, for a time and for a limited purpose, together. These associations at first probably represent instinctive and habitual modes of action, but as consciousness supervenes and intelligence develops, men become more definitely aware of the ends to be served by their grouping and of the necessity of devising means for their attainment more adequate than those supplied by nature. The result is the gradual organization of those things we call institutions, which are the permanent structures or framework of society, the machinery by which it accomplishes its purpose. That which was formerly done spontaneously out of the demands of the immediate situation, is now done with intention and according to rules defining the place and function of the various members of the group.

The value of such organization is obvious. The purpose of the group becomes more clearly defined, its value is more easily recognized by the individual, and the means to be used in its realization can be more intelligently chosen. But beyond these immediate values there is the more remote and far-reaching one which consists in the permanence and continuity given to these human interests through their objectification in institutions. It is the distinction between instinct and reflection, between mere occurrence and history. So far as men merely act together, their association may be temporary and unmeaning, but in so far as their purpose is embodied in an

institution, there is given an idea, a body of doctrine, a tradition that outlasts the lives of the individual associates and is capable of indefinite enrichment through the contributions made by successive ages. And this enrichment means, not merely the enrichment of an organization as a piece of machinery, but the embodiment of this tradition in the lives of its members so that, so far as they enter into the spirit of the institution, they are made partakers of this social heritage from the past.

Institutions are thus the essential conditions of social growth. They are the conservative factors of society, without which the gains of the past could not be made available for the progress of the future. They are the educative forces through which the individual acquires the habits of thought and action essential to him as a member of the human fellowship. Through them he comes to know what his race has been and done, and learns the ideal type to which he is expected to conform.

But they do more than merely outline the general type and give character and body to the individual's social purpose. It is by membership in them that he finds his own particular place and has his special task defined. For institutions are, in effect, outlines or programs of work, and, like business organizations, have their various positions to be filled by those who seek their membership. To have accepted membership is thus to have found one's job, to have taken one's place on a program, to have committed one's self to a scheme of life involving specific duties and specific rights. School, church, marriage, union, club, lodge, involve each a ready-made programme for those who seek its fellowship,

defining the things that they may do, as well as those they may not do, to others or expect those others to do to them. It is by means of this net-work of institutions, into which every man in modern life is born, that our ideals are made definite and our characters stabilized through the constant pressure of social custom and social expectation. It is these considerations that have led a distinguished English thinker to formulate the moral principle as "My station and its duties," meaning thereby that to find and fill our places in the institutional life of our times is to fulfil the whole duty of man.

There is the reverse side of the picture, however. The formation of habits, while it is a necessary part of every effective life, involves the danger of lessened initiative and growing disinclination to meet the demands of a changing environment. We need to develop routine within us to meet its counterpart without, but nature is not all routine and it is too fatally easy to settle down into the comfortable rut and ignore the demand for new adjustment. Conservation turns into conservatism and tends to stifle the very life it was designed to save. So with institutional life, while its permanence may be the condition of progress, its fixity may mean the death of initiative and freedom. Tradition and precedent become yokes too heavy to be borne and the individual may be crushed by the very efficiency of a machine adapted to conditions no longer present. His life will then depend upon the vigor with which he is able to resist routine and mold the institution until it fits the changing situation. It is under conditions such as these, when the institutional machine does not meet the new demands upon it and

life seems to be outgrowing the harness it has made for itself, that men come to raise the question of what they call their rights.

It is significant of this that when the problem is thus raised, it usually takes the form of a demand for a return to nature, under the idea that institutions are artificial and that human life, to attain its freedom, must throw off their yoke and resume the rights invaded by an oppressive civilization. It was so in the age of the Sophists, again in the dawn of modern political thought, and conspicuously so in Rousseau and the revolutionary era of the eighteenth century. The same tendency is present today in the anarchic revolt from institutional control and the demand for the restoration of stolen rights. Even when the idea is not given an historic interpretation under the conception of a primitive state of nature in which these rights existed, there is still the feeling that in some way they are vested by nature in the individual and are more basic than anything society can bestow. Let us see, then, what is really implied in the concept of rights.

In ordinary usage, a right is a reasonable claim to freedom in the exercise of certain activities. When a man asserts his right to property, he means to say that in using it as he will no one can properly interfere with him. He can put up a sign "No trespassing" and, although it may not protect him in fact, it ought to protect him if society did as it should. There is the implication that there should be a kind of hedge about the individual or about some fields of his activity, keeping others out and allowing him certain freedoms in the conduct of

his life. "Hands off," is the cry, "this is no business of yours, but a matter for me to settle as I see best."

It is important to notice here the distinction and the separability of a power and a right. My right to hold property is not my actual power to do so, but the justification of it. And this right may not be accompanied by adequate power, as in the case of trespass or of attack upon my life. No matter how great the power by which a man holds his possessions, we can still raise the question of his right to them, and only too often is it the case that even the clearest of rights lacks power for its enforcement. Rights thus seem to be on a different plane from that of the actual forces of life, and to imply something of the nature of an ideal. No matter how the brute forces of the world seem to invade and destroy the concrete rights of man, there still remain the ideal meanings above the conflict, untouched and intangible by the powers of the world of mere fact.

A right, then, is not an actual power to do, or to prevent interference, but is a claim to exemption from such interference or to aid in the exercise of such power. As such a claim its meaning looks beyond the limits of the individual to a social world as alone giving significance to the demand. Without this reference to another as the object of the appeal, the claim becomes unmeaning. If I demand freedom I must demand it of someone, unless my appeal is an idle soliloquy, and even then I imply an imaginary group to whom my words will have meaning. In relation to wild beasts or to inanimate nature, our rights have no meaning. An animal cannot violate our right to life, nor a cyclone our right to property, for

their natures are such as to afford no lodgment or basis for our claims. Our relations with these things are wholly within the sphere of facts and it is only a question of our power to meet their opposing force. Our safety lies not in arguments or persuasion, but in guns and cyclone cellars. Rights have meaning, therefore, only within the sphere of social relations.

And this raises the problem of the basis for such claims. Why are we justified in demanding the forbearance of our fellows in certain respects? How can the weaker ask the stronger to forego the advantages of his strength and limit his desires in the presence of an idea? Why should capital respect the rights of labor, or England those of Ireland, or the United States those of Mexico? The reason can be found only in the recognition by men of their membership in a common order, in which each has his part to play and, in virtue of this, is entitled to the conditions necessary for playing it. It is this membership in a recognized common order that alone gives the necessary basis for the appeal. Such an appeal cannot be made to absolutely independent beings, or to those of a different order of life, for there is no common ground to make it effective, no common nature to invoke, nothing to bridge the gap from one to the other. The appeal is to the common programme upon which is put down the part each is to play and which is the justification for whatever is included in each part. So far as we are members of a social whole we can claim the exemptions necessary to the realization of its good. Unless labor and capital recognize a common good there is no meaning in talking of the rights of either, for they

are then independent and bound by no common tie. Their relation is then purely competitive and the wager of battle is the only outcome. But when the cry of rights is raised appeal is made to some common standard, and the issue is one of reason.

All which points to the truth that rights depend upon duties. In the first place, the only ground upon which I can ask your help or forbearance is that I, myself, have a duty to perform which cannot be done without your cooperation, positive or negative. If the proposed action is only a matter of my personal pleasure and without significance for the world, I may desire your help, I may even ask for it, but I cannot demand it as a right or condemn you for refusing to give it. Such refusal will probably rouse my dislike, but my attitude will be very different from that provoked by your failure to further the necessary conditions for the performance of my duty. The latter is a public and objective matter and your shortcoming is not one that concerns me alone, but the community as well. It is not I, as a mere individual, who claims your respect, but I, as the servant of a cause which you too recognize as of supreme importance. It is the king's business that requires haste and not the petty concerns of my private self.

This basis in duties is recognized by the common understanding that the enjoyment of rights is conditional upon their proper use. A man has a right to use a public library if he does not abuse the books, or to drive an automobile if he takes the proper precautions for the safety of the public. Even in the more fundamental rights, a similar obligation is recognized. Property can

be held only as its owner pays his taxes and refrains from using it in a way detrimental to the public interests. Life itself has no absolute privilege but is respected only as it conforms to the necessities of the social welfare. My rights belong, not to myself in my private capacity, but to the part I have to play in the human drama, and if I fail to play it well I can make no valid claim to the forbearance of my fellows.

In the second place, rights depend upon duties in the sense that my right implies your duty to recognize it. You may not actually respect it in fact and in action, you may ride over it rough shod, but the very meaning of my having a right is that it is a privilege you ought to respect and that you fail in your duty if you do not. It is only in a world of duties that rights have significance. Eliminate the consciousness of the ideal order and we revert to the world of the brute forces where there may be actual sympathy and instinctive cooperation, but where the demand for the recognition of a right would be as idle as though addressed to the treacherous sea.

Thomas Hobbes introduced confusion into this subject by his negative use of the term rights. He saw that apart from a social reference moral distinctions lose their meaning. "Justice and injustice are none of the faculties neither of the body nor mind. If they were, they might be in a man that were alone in the world, as well as his senses, and passions. They are qualities that relate to men in society, not in solitude."[1] But he then goes on to assert that in the absence of social relations,

[1] *The Leviathan,* chap. XIII.

every man has a right to all things, even to his neighbor's body, meaning by this that there are no ideal obligations of which he need take account as limitations upon his actions, but that he has liberty "to use his own power, as he will himself, for the preservation of his own nature."[2] In this negative sense, beasts also have rights, since they too have unlimited freedom to fight for their lives, their food and their mates. A right, however, which no one is bound to respect, which exists as perfectly among beasts as among men, has nothing in common with the rights for which men in society contend, and which are the conditions, not of unlimited war, but of reasonable peace. Hobbes' doctrine of natural rights thus involves its own negation in its revelation of the emptiness and futility of the idea. If the theory is to have any positive meaning, it must interpret the term natural in some non-naturalistic sense not possible in the system of Hobbes. Such an interpretation might distinguish between rights as they exist in the eternal order of things, and as they are imperfectly understood and recognized at any given stage of social development. The individual might thus be conceived to have natural rights as based on this eternal order, even though society fails to support them. But, in this case, their naturalness does not mean their belonging to the individual as such, but rather their basis in an order deeper and more expressive of the nature of man than that found in the conventions of society. The consideration of such a doctrine, however, involves the making of some further distinctions in the meaning of rights.

[2] *The Leviathan,* chap. XIV.

When we say that a right is a freedom of action possessed by a man in virtue of his occupying a certain place and fulfilling a certain function in a social order, there are ambiguities involved. Do we mean that this freedom is one that society will guarantee and compel its members to respect? Or do we mean merely that society recognizes the reasonableness of such freedom, but is not ready to exert its power to make it actual? Or, finally, is our thought that this is a freedom the individual ought to have, even though society fail either to defend it or to admit its existence? The answers we give to these questions will determine the view we take of the relation of the individual to the State.

As to the first of these interpretations, there is no doubt that we often mean by rights the claims that can be enforced. The basis for these, in this legal sense of the term, is the existence of a law, in the form of a statute or precedent, which defines the freedom and fixes the penalty for its infringement. The common order that we have found to be implied in all rights is, in these cases, an external one, visible and tangible in the form of statute books, courts, judges, and officers of the law. The duties enforced are also, of necessity, external, consisting of the conformity of actions to a legal standard and only indirectly taking into account purpose and will. How much of our lives is to be included in the sphere of law is determined by considerations, partly of importance and partly of convenience. There are some liberties so essential to life that they cannot be left to the chances of individual caprice, but must be regulated by the combined wisdom and force of the com-

munity. Life itself, freedom from violence, the secure possession of property, these fundamentals of welfare, are taken under the protection of society and the individual secured in their possession and use. The bringing of other, less fundamental, rights under the protection of the law, is determined by utility. A balance has to be struck between the values of certainty and uniformity and those of free initiative. Questions of ease in the defining and enforcement of a right, also enter into the problem of deciding which are to be taken from the keeping of the unorganized public and inscribed on the statute books of the State. But whatever may be the principle of the distinction, it is evident enough that these legal rights form only a special class within the larger group from which they are distinguished.

It is noteworthy also that the smaller group is dependent upon the larger in the sense that the enforcement of the rights is consequent upon their previous recognition by society. It is because society first recognizes that certain liberties are due the individual if he is to fulfil his function in life that it takes steps to secure these to him through legal enactment. Although the law is the obvious basis of the right, it is public opinion that gave rise to the law and furnishes its effective backing. Take away this background and the statute becomes an empty formula incapable of affording any security for the enjoyment of our freedom.

This being so, it seems evident that the law does not create our rights, but only recognizes them and protects them. The rights themselves exist whether they are thus legalized or not. They are enforced because they are

rights, and are not rights because they are enforced. When a workman's compensation law is passed, what is created is not the right of the workman to his compensation, but the machinery by which he is able to enforce the recognition of his right and secure the actual compensation. The only change made by the passage of the law was in the decision of society to enforce a right the validity of which it had already recognized. So, too, when this country freed the slaves, the emancipation proclamation and the subsequent legislation did not create the right to freedom, but only gave the means to make its exercise possible. The process of legislation is one by which force is added to ideas, and it presupposes and does not determine the truth of the ideas it enforces. The law is thus essentially a means to an end, deriving its value from the worth of the purpose it embodies. As mere force, it is morally indifferent, until its quality is determined by the idea to which it gives backing. A law, therefore, always presupposes a standard other than itself and cannot, in its own might, be the constitutive principle of a right.

If the first of our three questions is thus not to be answered in the affirmative, since the enforceability of rights is not essential to their reality, what answer can we give to the second? Can we say that the reality of rights depends upon their recognition by society as duties morally, though not legally, obligatory? The essentially social reference in rights seems to favor such a conception and there are those who can see no basis for them save in their actual recognition by those against whom they are claimed. From this point of view, the

bondage of a slave in a slave-owning community would be no violation of his rights, since in the absence of any consciousness of them their reality would be unmeaning. So, too, previous to the growth of sentiment for equal suffrage, the rights of women were non-existent. Agitation for rights would thus be a process through which they were created by the moulding of public sentiment rather than one by which men's eyes were opened to the meaning of rights already valid. We are not always clear as to this distinction between creation and recognition and we are apt to speak of the same rights, sometimes as those that we have, and want recognized, and sometimes as those that we have not, and demand But the distinction is one between slavery and freedom. If rights are created by the grant of society, the individual is without appeal and helplessly dependent upon its arbitrary will. He has no rights to be violated until society, in its good pleasure, grants them in answer to his prayer. But his attitude, under this conception, is not one of appeal to objective right, but of petition for subjective privilege. So far as he acts as a free man, he thinks of himself not as trying to extract a favor from the higher powers, but as attempting to educate them to the point where they will be able to appreciate the real system of rights and duties, which they now only dimly understand. No man who is fighting for his rights feels that they are non-existent. He is not creating, but defending them in his struggle for their recognition. Whether he win or lose his battle, it is not the rights themselves that are affected, but society's knowledge and his own enjoyment of them.

The analogy with scientific knowledge is an obvious one. Our knowledge of the relation of food to growth does not create that relation, but only reveals it to us and makes possible our utilization of it. Our ignorance of it does not affect the relation, but deprives us of the advantages of it. The very idea of knowledge implies the reality of an object which it is the aim of knowledge to comprehend and make manifest. So, too, the recognition of rights implies the reality of social relations independent of the recognition. Ignorance of what these social relations are means loss to the ignorant society through its inability to make the proper adjustments, but it is a loss only because it is a failure to appreciate a system of rights and duties of which its own subjective system is an inadequate apprehension.

The distinction just made between the enforcement of rights, the recognition of them, and their reality itself, must not be taken as implying a division of them into three classes, legal, social, and ideal, for the distinction is wholly external to the nature of rights themselves and concerns only the attitude of society toward them. In themselves, rights are ideal only and have their basis, not in law or in social assent, but in the relation of individuals to the common good. Whatever freedom is essential to the working out of this common good is a human right, grounded, not upon the accidents of conscious recognition or will, but upon the deeper implications of human nature itself. We cannot make rights, we can only discover and enforce them.

Finally, there is one more distinction that must be made here, though its complete discussion must be post-

poned until after the position of the State has been determined. To say that rights have this kind of ideal and eternal reality irrespective of social grant might seem to imply that the individual is justified in asserting and acting upon his rights quite irrespective of society's attitude toward them. If they are really his, why may he not do what he will with his own? Why may not the slave take his freedom, the suffragist seize the vote, the oppressed worker take over the control of industry? Does not a right justify its possessor in the exercise of his freedom? Is it not, in fact, a duty to assert oneself in order that society may be brought to recognize the true system of social relations?

All these considerations have a measure of truth in them, but they must be interpreted in the light of a more fundamental principle. Rights are not absolute possessions of the individual irrespective of conditions. They are not liberties to act in general, but only to act in specific ways consistent with, or conducive to, the common good. Hence, to determine what our rights are, we must take account of the concrete situation and, in view of that, decide what liberties are demanded for the working out of the social purpose. And the concrete situation has, as one of its most important elements, the attitude of others toward our act. The rights of a man in a free community are not the same as in a slave-holding one, not because they are constituted by the attitudes of the two groups, but because these attitudes are social facts of which account must be taken in estimating what liberty of action will be for the public welfare. It may be that the act called for under the circumstances will be a

defiance of the public will, or it may be that the good in question is one only to be realized through the active cooperation of our fellows, but whatever it is to be it must be affected in its character by the sympathy and understanding of those about us. These moral facts of the environment are at least as important as the psychological, biological, or physical, in determining the fitness of an act for the promotion of the social good.

There are two ways in which these considerations may be formulated in order to avoid misunderstanding. We may, on the one hand, distinguish between the abstract and the concrete view of rights, meaning by the former the rights that individuals would have if society were constituted as it should be, with every man intelligently interested in the common good and anxious that every other man should have the freedom necessary to realize it. Under such ideal conditions there would be the largest possible measure of freedom and, consequently, the ideal system of social rights. The concrete view of rights would refer to so much of this system as could be safely acted upon at a given stage of society, taking into consideration its actual intelligence and charity. St. Paul's attitude is the classic illustration of this point in his refusal to exercise his religious right to eat meat lest he cause his weaker brethren to offend. Under ideal conditions, his freedom would have been part of the perfection of the whole, but in the concrete situation he judged it out of place.

On the other hand, we might distinguish between our having a right and our right to act on it. He had the right, in that it was inherently desirable that the old

legal prescription should be done away with and the individual's energies be left free for more vital matters, but he had not the right to act on his conviction because of the evil effect it might have upon those not yet ready for such emancipation. As a right is a freedom, however, it is more consistent and clearer to avoid this formulation of the distinction and to state it in terms of the difference between the abstract and the concrete.

Finally, to return again to the subject of institutions with which our discussion started, these we have found to be the organizations through which the various common purposes of men are carried out. In order that these purposes may be real purposes and also common, they must be the free choices of the members of these associations, hence the necessity of securing to them as far as possible the freedom that is the indispensable condition of their intelligent interest in the social good. Every institution, therefore, defines the rights and duties of its members as these are determined by the nature of the purpose embodied in it. The members may not make use of these rights for the promotion of the end intended, but their possession of them is, at least, a negative condition for the attainment of the highest good. And, on the other hand, the system of rights as defined in an institution at any time may not be adequate to the promotion of its purpose, nevertheless, if the association is to hold together, there must be some tentative working agreement as to the limits of individual freedom. In spite of its falling short of the ideal, such a working agreement must in general be recognized by the individual since it is the condition of his sharing in the fellow-

ship of the common life through which alone the good can be promoted. That it can never be the duty of a man to violate such an agreement it is impossible to say, but when such a duty does arise it must rest upon an interest in a higher order and not merely upon the interest of the individual himself. Man cannot shut himself off from his fellows and prosper; his associations are the means for the expression of his larger life; his institutions are the organizing machinery through which he comes to an understanding of his fellows and gets his relations with them defined. "Institutions, therefore, are the expressions of individuality, or at least the means of such expression. They are not encroachments, hostile to the free development of character and power, but are the conditions under which alone such development is possible. They claim the loyalty and service of the individual, not as superior forces which he cannot evade, but as the media through which he has grown to the mastery of his own life."[3]

[3] Hetherington and Muirhead, *Social Purpose*, p. 130.

VII

THE NATURE AND PURPOSE OF THE STATE

THE aim of the last two chapters has been to show that, in spite of the very real antagonisms of men, they are essentially of the stuff of which society is made, with needs and ideals only to be satisfied through social relations. To secure the satisfaction of these needs, groups are formed, organized upon the basis of various uniting purposes, and giving rise to institutions in which these purposes become explicit and acquire permanence and stability. As members of such associations, with obligations for carrying out their respective purposes, men are recognized as having rights that ought to be secured to them in the interest of the common good. The complex of these associations constitutes society, prominent in which is the association we know as the State, the nature and function of which is our next problem.

But here we are met by the controversy between the realists and the idealists in political science. How are we to determine what the nature and function of the State really is? Are we, indeed, justified in speaking of the State at all, rather than of states? for is not the only fruitful problem that of investigating the characters of the actual states of history, leaving the study of a supposed State in general to unpractical reformers and philosophic dreamers? What we want to know, say the realists, is not what such an ideal State might be in society, but what actual states are and do; to the end that

we may more clearly understand their worth, and make better the adjustment between them and their included groups. The forsaking of this ground of solid fact, they contend, is bound to result in the confusion of the real and the ideal; and in the clothing of the tarnished actual State with the glory and the dignity belonging only to its celestial prototype.

That this realistic warning is necessary, there can be no doubt. Modern political philosophy has concerned itself too exclusively with the ideal meaning of institutions, and has given the impression, at least, of ignoring the degree to which these meanings have failed of realization in the actual social order. Their State, as the embodiment of all social wisdom and justice, might well have different functions from those that could be safely assigned to the actual political organizations of the imperfect present. Failure to emphasize this distinction opens the way for that worship of the State so disastrously illustrated in recent history.

Nevertheless the recognition of this distinction between the ideal and the actual does not eliminate the former as a proper and necessary subject of study. It is true that states are many, that their functions are various, and that their worth is of unequal degree; but it is also true that to be states at all, they must possess a certain likeness of structure, embodying fundamental similarities of function, and suggesting a good only imperfectly realized in their actual life. It is perfectly proper, therefore, as long as we keep close to the facts, to consider, not only the structure and function, but also the ideal purpose, of the State. The idea of the State and its

function as thus considered, will be no product of an abstract imagination, but the outcome of a critical examination of the facts themselves; with the aim, however, not merely of describing these facts as they appear, but of seeing them in the light of their embodied purpose. For the purpose of an institution is not something to be read into it arbitrarily and in addition to its facts, but is as much a part of it as are the facts themselves. To speak of it as ideal is not to deny its reality as purpose, but only to suggest its failure of accomplishment. That the organization and activity of a State should fail to express the purpose underlying the association, is no more a denial of the reality of that purpose than is the failure of a man to embody his purpose in character a denial that he possesses it at all, or the failure of an eye to function, the denial that its function is sight. The function of the eye is seeing, even though a particular eye may be blind, and the purpose of a man may be good, even though his actions seem to belie it. So it is with states, the principle implied in their existence is never adequately expressed in any given historical example, and it is only by a comparative study of the place of states in social development that a complete idea may be obtained of the possibilities they contain for the life of society.

Looking at states from this comparative point of view, perhaps the most significant characteristic about them is their territorial basis. Other associations are selective, their membership being determined, not by considerations of locality alone, but by reference to some special interest, to the furtherance of which the associa-

tion is supposed to minister. Of course, many associations may follow political lines in limiting their membership, so that we have national unions and scientific associations; but such a principle of selection is negative rather than positive, determining who shall not belong to the group rather than who shall. Within the limits thus marked out, only those who share the common interest in question are members of the association. Territorial considerations are external and accidental to the central idea of these non-political groups. That a religious society and a labor union happen to occupy the same territory is not a fact which tells us anything of the real meaning and purpose of the two groups. They would retain their respective natures though removed to other lands.

With the State it appears to be somewhat different. Geography enters in, not merely as a negative principle, excluding from membership those dwelling beyond certain limits; but also as a positive determinant, including in the association all those who happen to be born within the national boundaries. It makes no difference whether our interests are religious, industrial, scientific, or esthetic; so far as the State is concerned, it is enough that we belong on a certain portion of the earth's surface, and are human beings of a certain moderate degree of intelligence. This last proviso, slight though it seems, we shall find to be not without significance in forming our conception of the State. But even this consideration affects only active membership in political life, and does not concern the status of individuals so far as it is a matter of their subjection to the rules of the associa-

tion. Whether intelligent or not, all men within the given territory are in some sense bound up in the life and activity of that body we call the State.

Implied in this territorial character of the State is the non-voluntary basis of its membership. Primarily, we do not choose our State, but are born into it. That after coming to the age of reflection, men remain in their native political group is due, not so much to their voluntary choice, as to their instinctive inertia. To change their allegiance would mean, not merely passing from one political organization to another, as one might pass from one club to another, but changing their residence and, with it, exchanging the system of institutions and the circle of friends of which it was the center, for a social world entirely new. A man is thus tied to his State, not merely by the love of it for its own sake, but by the fact that escape from it means leaving behind him all that has made life dear. It is this geographical inclusiveness of the State that makes our membership in it so little a matter of voluntary choice. We must be part of it or move beyond its limits, and to move beyond its limits is to leave behind our world. This, of course, is taking citizenship on its lowest plane, and leaving out of account the possibilities of complete and sympathetic cooperation in the activities of the State; but to consider the political structure as it is, we must look, not merely to the ideal possibilities, but to the barest essentials of its membership, and these are virtually non-voluntary in character.

To the same conditions is largely due the coercive feature of the State. Other associations exercise control

over their members, but it is not of the same unqualified character as the political. A Catholic must obey the rules of the Church, a plumber must ply his trade according to the regulations of the union, a lawyer must conform to the code of the bar association; but these various controls are valid for them only so long as they choose to remain members of these groups. They may escape by withdrawing from the association. The coercion of the State, however, is not of this conditional and limited kind. The individual can escape from its control only by removing from its territory, and even when this is possible, his freedom amounts merely to the exchange of one political sovereign for another. As long as he remains on earth, he may change his functional groups as he will, but he cannot escape the control of this all-inclusive association, to which he must belong by virtue of his position in space. Since he must remain a member of the association, it must see to it that he obeys its laws. The non-voluntary character of the State involves the unconditional nature of its control.

A further implication of this geographical aspect is the intimate relation of the State to all other institutions. The members of one club may be entirely different from those of another, the medical association is made up of men who are not members of the bar association, and tailors do not belong to the railway brotherhoods. Some groups overlap, railway men may be Presbyterians and lawyers may be members of a golf club. Whether distinct or overlapping, however, all these non-political associations are coordinate, no one of them including all the others in its membership. But

this is just what the State does by virtue of its inclusive territorial character. Physician, lawyer, artisan, sectarian, scientist, whatever may be their special affiliation, all are members of the State. This does not mean, of course, that the State is a general association of which these are special branches, but only that all individuals, by virtue of being men, are also citizens. Whatever the distinctness or the opposition of the special groups, they have at least the common interest of their membership in the State. Although the State may be a different organization from the lesser ones within its boundaries, it cannot be wholly external to them since their membership is recruited entirely from its own. The situation is not lawyers, physicians, artisans, scientists, *and* citizens; but only citizens, who belong some to one group and some to another, but all to the State.

These considerations give us one answer to the hotly debated question as to whether society and the State are one. If they are, as the absolutists contend, then the State acquires the value and the authority attaching to the intricate complex of institutions making up our social life. If they are not, then, as the pluralists see it, the State loses its prestige as the unique representative of society, and becomes only one of its institutional members, and, like them, in need of regulation. In the light of the facts just considered, it seems possible to say that extensively and materially, so far as the units that make them up are concerned, the State and society are one. This, however, is only one aspect of the matter. To say that whatever society does is done by citizens, is not the same as saying that it is done by citizens as cit-

izens, or by the State. An institution is not identical with the mere individuals who form its membership. It is only as these organize themselves for the carrying out of a common purpose that they form that composite being we call an institution, and it is the action of this organized purpose that we can alone call the action of the institution. Unless the purpose of this whole body of individuals in their organization of the State is the same as that of the special groups in their formation of the other social institutions, we cannot say that the State and society, in spite of the identity of the units composing them, are really one. Although all its members are citizens, the action of an athletic club is not the action of the State, since the purpose for which it is formed is not that embodied in the political organization. It is not the State that fixes the club dues, but a special group of athletic citizens: nor is it the club that is responsible for the country's foreign policy, for that is the concern of the national administration, with which the club as a club has nothing to do, although its members as citizens have each their vote. It is only that which the citizens do as citizens, for the carrying out of their political purpose, that can properly be attributed to the State.

But this distinction of State and society upon the basis of different purposes and organizations may easily be made too absolute. Unless we are to fall a prey to abstractions, we must interpret it in the light of the identity of their memberships. The purpose of the athletic club is not that of the State, nevertheless, it coexists along with it in the personality of the man who is at

once political and athletic. In spite of the fact, therefore, that we must distinguish what he does as citizen from what he does as athlete, we must remember that he is not two persons but one, and that the athlete will inevitably influence the citizen and the citizen the athlete. This is more obvious, of course, in the more significant associations, such as the economic. That we can speak of the labor vote or the farmer vote means that it is impossible to think of the individual as divided into water-tight compartments, each with its own isolated interest; but that his life must be conceived as, in some sense, a system of related interests, each of which affects the others and makes its contribution to the unitary action. After having discarded the economic man, we ought not to substitute for him the equally fictitious political man, and on him build a State devoid of social value. While, therefore, the State is the people organized for a specific political purpose, we must remember that this purpose is not their only one, and that its character will be determined by that whole body of interests that constitutes their social life. That the organization of society is imperfect, that the purposes of institutions often conflict, that the State sometimes trespasses on the rights of its included groups; all this only reflects the confusion of our individual lives, with our failures to realize a unitary self, but gives no ground for making the distinction of society and the State absolute, or for denying to the State social and moral significance. They are one in membership, distinguishable in purpose, related in interests.

Having now reached the conception of the State as

an all-inclusive, non-voluntary, territorial association, exercising unconditional control over its members; and having also recognized it as embodying a distinctive specific purpose of its own; we have next to determine what that purpose is. But with this problem we are drawn at once into the conflict of opposing theories. With reference to their views on this subject, we may distinguish roughly six positions.

1. *Absolutism.* This theory, tending to identify the State and society, would assign to the former the task of supporting and furthering the ideal of human life as a whole. Under this conception, the State is not a mere governmental organization, but is rather the informing spirit of society as expressed in the whole system of its institutions. It is, in this sense, "above all things, not a number of persons, but a working conception of life."[1] Hence "a complete reflective conception of the end of the State, comprehensive and free from contradiction, would mean a complete idea of the realization of all human capacity without waste or failure." There could be no question here of any specific purpose for the State, since it is just that supreme social purpose in which all lesser aims get their meaning and justification. In this sense, the doctrine might be characterized with the strictest truth as ideal socialism.

2. *Political Anarchism.* This is the exact antithesis of absolutism. The purpose of the State is plunder. It had its origin in violence, and its support in force. It represents no general will, and has no moral value; but is merely the organization through which some class,

[1] Bosanquet, *Philosophical Theory of the State*, p. 153.

dominant either from physical force or economic power, works its will upon its subjects. All talk of its moral purpose is but a means to blind men to its selfish aims and make them more contented with their lot. Its very nature as force, makes it hostile to a true moral life, which can exist only in the sphere of freedom. Friendly cooperation, the ideal of social life, is radically incompatible with the forcible methods and selfish spirit of the class State.

3. *State Socialism.* The position of the State in this theory is somewhat ambiguous. So far as concerns the value of actual political organizations up to the present time, there is virtual agreement with the estimate made by the anarchists. The State has always represented the dominant economic power of the time, and has been the means by which the lower classes have been kept in subjection. It is the task of the workers to seize political power and turn the means of production into state property. But the accomplishment of this means the abolition of class distinction, and hence renders unnecessary the existence of the State as a distinct repressive force. "The first act by virtue of which the State really constitutes itself the representative of the whole of society —the taking possession of the means of production in the name of society—this is, at the same time, its last independent act as a State. State interference in social relations becomes, in one domain after another, superfluous, and then dies out of itself; the government of persons is replaced by the administration of things, and by the conduct of processes of production. The State is not 'abolished.' It dies out."[2]

[2] Engels, *Socialism*, p. 128.

In this specific sense of the term, as thus authoritatively defined by Engels, socialism has no place for the political State. But whether we call it by this name or not, and whether we are speaking of the new industrial organization or of its discarded predecessor, there can be no question that for this type of socialism the essential purpose of organized society is economic. This they express in their fundamental tenet of the economic interpretation of history. Make sound the economic structure of society, and art, science, and philosophy will then attain their healthy growth. The control of the fundamental conditions of subsistence carries with it the control of life as a whole, and it is with these fundamentals, therefore, that the industrial State is primarily concerned.

4. *Guild Socialism*. This sympathizes with state socialism and anarchism in their hostility to the political State, but distrusts the concentration of power involved in the older socialistic theory. The industrial State could be as despotic as its political predecessor. The State is, therefore, to be stripped of its powers and reduced to the level of other associations. Just what its function is to be is determined variously by the proponents of the newer doctrine. In Mr. Cole's recent work on *Social Theory*, its control is limited to the field of personal relations, and to the regulation of distribution and consumption; but its activity is excluded from the sphere of production, and its jurisdiction denied in the task of the delimitation and coordination of its fellow associations. Even the control of the police power is taken from its weakened hands, and lodged in those of a fed-

eral council representative of the most important associations within society—a Supreme Allied Council, as it were. Under this council are also placed the military and naval forces, and to it is entrusted the decision as to peace and war. At the hands of Mr. Bertrand Russell, however, the State fares somewhat better, since he is willing to entrust to it, not merely the care of art and education, but also the control of army, navy, and police.

Such a radical alteration of the traditional concept of the State is rather confusing. It would conduce to clarity if the term were discarded entirely, since, although we have the body left in the form of an inclusive territorial association, it is rendered paralytic by the deprivation of all power. The body that really represents what we have heretofore considered the State, is the supreme federal council, since to it alone belongs the final decision in questions both of internal and external order. The territorially organized group has yielded its powers to the functionally organized society, represented by its coordinating council. It is only by courtesy that the territorial body retains its name and a vanishing remnant of its former powers. Under these conditions, Mr. Cole might better say with Engels, "The State is not 'abolished.' It dies out." For, as Mr. Russell more frankly states, guild socialism as outlined today is only a transition stage to anarchy, the federal council itself being essentially judicial, rather than legislative or administrative in its functions.

If we take, as we must, then, this functionally organized society as being virtually the State, its purpose would seem to be fundamentally that of a mediator

or arbitrator between its constituent groups. It has the function of a democratic "Supreme Court of Functional Equity." The right of coercion belongs to it nominally, but with its better organization, society will offer little opportunity for its exercise. Public opinion will itself enforce the decisions that its own organized intelligence has made.

5. *Individualism.* By this term is meant here the theory that sees in the State a mere police power. In its limitation of political activity it might seem to incline toward the minimizing doctrines we have been considering, but there is a distinct difference. In those, society tended to pass from the control of the political State into the almost equally close control of economic or other forms of association. The State was dethroned. Individualism, however, while striving to disentangle the State from the greater part of its social and economic activities, would still maintain its authority as the guardian of public order. The State should mind its own business, but it distinctly has a business of its own to mind. If it limits its activities, it is not that it may hand them over to a growing industrial regulation, but rather that the individual may be left free to work out his own salvation. But in order that the individual may be thus free to lead his own life, there is need of the power of the State to protect him in his necessary rights. Individualism's conception of these rights, however, is essentially negative. Assuming the equality of men, it would limit the function of the State to the prevention of interference; ignoring the fact that the greatest hindrances to freedom are not those due to intentional injury by

others, but are those of the more involuntary kind; consisting largely of disadvantageous economic conditions, with their results in ignorance and the limitation of spiritual outlook. Individualism would turn giant and pygmy into the ring, and say, "Go ahead. I'll see fair play and stop all interference." It refuses to go back of the present status, and concern itself with the actual equalizing of conditions; but starts with men as they are, and secures to them the consequences of their own natures—strength to the strong, weakness to the weak. The purpose of the State is thus to enforce the law of *karma* in a competitive society, or, in more biological terms, to see to it that the principle of natural selection has fair play. In economic matters this is the doctrine of the Manchester School, in a more qualified sense it represents the attitude of Herbert Spencer.

6. *End as Justice.* It is impossible to affix a single label to those who hold this view, and group them as a school or sect. They are usually idealists in philosophy, with a strong moral interest, yet not all idealists accept this as the political end. In contrast to extreme socialists and individualists, these men might be classed as idealistic moderates, or moderate idealists. They emphasize the worth of personality, but they recognize its dependence upon social conditions. They realize that the moral life must be self-chosen and self-developed, but they realize also that it is a life of social activity, the development of which is conditioned by the social structure. The father of these men is Plato, their best representative in modern times is T. H. Green.

An extended quotation from a recent work written

in the spirit of this philosophy will define and illustrate the meaning of the term justice as here used. "Perhaps we may start from the consideration that historically the main function of the State in relation to its own citizens seems always to have been the organization of Justice. In a larger sense, which will appear presently, this may be taken still as an adequate account of the purpose of the State. Meantime, it is sufficient to remark that if we look at the course of social development we can see underneath the varying forms of state activity, the implicit recognition of this as its primary and fundamental function. Even at the time when the idea of the State had comparatively little power over the European mind, and Society was made up of small, more or less independent feudal groups, it was recognized that beyond these groups there was an appeal to a wider community which could enforce justice between different grades of the group. With the progress of social organization, this essential act came to involve the provision of other services ancillary to it. It brought about not only the establishment of courts to interpret law and custom, but also methods for the alteration or ratification of these, and equipment for their enforcement. Inevitably, too, the function extended itself from the simple judicial act to the more positive attempt to prevent infractions of justice, and to establish conditions of life wherein justice would be the natural and easy relationship between individual and individual, or group and group. Hence it is possible to see how out of this central purpose, consciously or implicitly recognized by the State, a great variety of activities might arise, the control and regula-

tion of many relationships of life, and the provision of safeguards to secure that the enterprise of individuals and groups should not bring injury to others. But the very abundance of that provision tends to obscure what was plain enough in the less crowded pattern— that all this activity is motived by the conception of justice, or to interpret it more amply, by the conception of an order of life in which human personality and its ideals can be realized. For the realization of human ideals is a different thing from the uncontrolled play of human desires. And the institution of the State rests fundamentally on the belief that the quality of life which is open to man under the restraints and limitations of his impulses imposed on him by social organization is higher than any he could attain without these. It is, therefore, essentially moral, involving the shaping of what is by 'what ought to be.' So that, at bottom, the State is the expression of a view of the good life for man. . . . In this larger sense, then, we may still hold that the end of the State is the organization of justice, and that therefore it is preeminently a moral institution."[3]

As one studies these six types of political doctrine it becomes evident that they are reducible in their essentials to two: those that see in the State a permanent instrument of human welfare, and those that find it a temporary, though obstinate, obstruction to the highest social development. And it is equally evident that the former of these rests its case on an interpretation of the ideal possibilities of the State, while the latter looks to the cruel facts. Or perhaps it would be a little more ex-

[3] Hetherington and Muirhead, *Social Purpose*, p. 230-1.

act to say that the one emphasizes what the State has done, and the latter what it has failed to do. It may even be not unjust to suggest that the idealistic theories emanate from those who are in a position to appreciate the positive fruits of the historic development, whereas the opposing doctrines express the feelings of that class to which that development seems to have brought but little.

Such considerations suggest that the two concepts of the State may be not the contradictories that they are often supposed to be. Certainly as we look at the history of the State we cannot but be impressed with the truth of much that its detractors have to say of it. With some qualification of the dogmatic certainty with which it is held, we have to accept some such account of the origin of the State as that given by Franz Oppenheimer in his interestingly vigorous study of *The State*. "The State, completely in its genesis, essentially and almost completely during the first stages of its existence, is a social institution, forced by a victorious group of men on a defeated group, with the sole purpose of regulating the dominion of the victorious group over the vanquished, and securing itself against revolt from within and attacks from abroad. Teleologically, this dominion had no other purpose than the economic exploitation of the vanquished by the victors."[4] So, too, its later development shows the same motive. "Its purpose, in every case, is found to be the political means for the satisfaction of needs. At first, its method is by exacting a ground-rent, so long as there exists no trade activity the products of which can be appropriated. Its form in every case is that

[4] p.15

of dominion, whereby exploitation is regarded as 'justice,' maintained as a 'constitution,' insisted on strictly, and in case of need enforced with cruelty."[5]

Such an account of political purpose seems to have little in common with that given by the idealists, but in the same paragraph Oppenheimer goes on to exhibit the unpremeditated gains for social justice resulting from the class struggle. "And yet, in these ways, the absolute right of the conqueror becomes narrowed within the confines of law, for the sake of permitting the continuous acquisition of ground rents. The duty of furnishing supplies on the part of the subjects is limited by their right to maintain themselves in good condition. The right of taxation on the part of the lords is supplemented by their duty to afford protection within and without the State—security under the law and defense of the frontier." So one might come down through history pointing out how, through the logic of society, the dominant class has been forced to recognize the rights of its subjects; until there has been built up a body of social justice, of which the State is the more or less willing guardian. Even though the truth of the socialist indictment be admitted, it nevertheless remains equally true that the dominance of the State has meant protection and the maintenance of a public order, in the benefits of which all classes, if not equally, at least partially, have shared. In spite of the ignorance and selfishness of its representatives, the State as an institution has given unity, stability, and increasing self-consciousness to society as a whole. As the idealists hold, it has furnished the external conditions of the moral life.

[5] p. 85.

Assuming, then, that we may take it for granted that the selfishness exhibited in the actual government of states is not to be credited without reserve to the institution itself, we find confirmation of this distinction even in the doctrines of the opponents of the State themselves. For this seems to be the implication of their hesitancy and confusion as to the nature of the post-political form of organization. This is especially true, as we have seen, of the guild socialists, whose courage in facing the death of the State seems to arise from their faith in its spiritual resurrection in the form of Mr. Cole's Supreme Court of Functional Equity, or some similar ambiguous body. So, too, the orthodox socialists are interested primarily in the shifting of the economic power, upon which the political State rests, from the master class to the proletariat; in this way obtaining ultimately a one-class State, which for them is equivalent to a non-political association, since it lacks dominion. Yet the form of organization under socialism, while it does not involve the personal subjection of one class to another, does unquestionably imply a degree of social control at least as great as that exercised by the modern State. If the political rose would smell sweeter by another name, perhaps there is no objection to its re-christening, but we ought not to forget that it is after all a rose. A change in the distribution of economic power, and even a change in the basis of representation, are not enough to constitute a complete break in continuity of function between the old and the newer order. Only explicit anarchy can discard the essential State as the organizer of social justice.

While, therefore, from the standpoint of historical retrospect we must grant much of the realistic indictment of the State, looking at it from the point of view of its trend and suggestion of possibilities, there is equally evident a growing unity and interpenetration of interests. Beginning with a sharp separation of subject and ruling class, development has been constantly in the direction of closing the gap and fusing the interests of the two groups. There has been a constant extension of the field of rights and a parallel deepening in the conception of their meaning. The idea of dominion has been gradually giving way to that of a commonwealth, in which all members share not only in the good, but also in the control of it. It is true that political democracy has been disappointing in its contribution to the common welfare, and we have come to realize that there is yet a long distance to be travelled before we reach the desired goal, but yet our very discontent is evidence of our belief that the State is failing in this its own true purpose. It is because it exists to further the good life that we are impatient of its achievements.

To give specific content to this idea of the common welfare as the purpose of the State would carry us far into the field of political science. Yet the idea obviously needs further definition for we cannot assume that the State is concerned with every aspect of this common good. This would be the case only if the State were identical with an ideal society in which every part might be conceived to be in sympathetic community with every other, the good of all being identical with that of each. But the State, in our present imperfect society, com-

posed as it is of all within a given territory, is limited in its purpose by the intelligence and the will of its constituent members. It can include only so much of the complete welfare of its citizens as can be appreciated by all as really theirs. Its purpose must be the common purpose in the sense that it must be at least obscurely recognized by all. Only as the general level of sympathetic intelligence is raised, can more and more of the elements of the good life be made objects of the activity of the State.

And to these limitations of purpose must be added the limitation of means. State action is communal action, and again because of imperfect community spirit, it is relatively external to the individual. In our great modern states, political action represents something done *for* the individual rather than *by* him. It is thus something that he receives rather than creates, with a resultant danger to his habit of initiative. In a smaller and more perfectly unified group, where the individual can feel his own cooperative power, this danger does not exist. He sees that the common good comes only through the work of all. But in the life of the State this relation of give to take is lost in the complexities of the vast machine, and human nature is only too inclined to take the gift and let the service go. The action of the State, therefore, in the promotion of the social good must be recognized as limited by this principle of self-activity as essential in a truly human happiness. Only so far, therefore, as there is a unity in the State such that the individual can feel its action as his own, can it make a real contribution to the common good. So far as this unity is

lacking, its action tends to pauperize. Only as there is a truly common purpose is the result a really moral good.

These limitations of the extent to which the common welfare can form the purpose of the State, based as they are on the incompleteness of the social unity, form the justification for a qualified individualism. The common welfare is indeed the end, but it is an end that can be reached only through the self-activity of individuals. The contribution of the State must, therefore, be primarily the negative one of protection from interference. But the newer individualism has realized the futility of mere protection when there is nothing to protect, and has made its end the securing to the individual the means through which alone he can make his freedom effective. The good life involves the development of intelligence and will, and this depends on education, and education involves leisure, and this is impossible without economic security. All these are involved in the positive conception of an effective freedom for the individual. The mistake of the older individualism was in separating the individual from society and assuming that every extension of social control must be at the expense of the liberty of the individual. Whether it is or not, will depend upon the character of the particular State and its relation to its included members, and not upon the fact that it is the action of a State. The more socially and spiritually unified a State is, the more it can do for its members without infringing their rights or discouraging their intiative; whereas the more despotically a State is organized, the more its paternalistic activity tends to both these unfortunate results.

But although we have discarded the conception of social atomism, we must not ignore the truth that the ideal of social welfare is a community of free and responsible persons, whose happiness is essentially self-wrought. The fact that the highest development of this ideal can only be attained through training and a favorable social environment, should not blind us to the truth that what the State can do in the furnishing of these is to be regarded as merely the preparation of conditions, on the basis of which individuals must work out for themselves their own moral fortunes. With qualifications such as these, then, we may accept the general formula that the State is the organizer of rights and the guardian of social justice.

VIII

THE PROBLEM OF SOVEREIGNTY

ASSUMING that the State is a territorial association the purpose of which is the maintenance of justice in the large sense of the term, we have to look now in a little more detail at the nature of its power, and the basis of its authority. Two questions are involved here, one a question of fact, the other a question of right.

A. The former of these may perhaps be subdivided into two. (1) What is the nature of the power embodied in the action of the State? Can it be called a will; and, if so, is it a unitary state will, or is it a collection of individual wills; either the totality of all within the limits of the State, or a special group exercising a dominant influence over the rest? It is this problem that we have seen dividing monists and pluralists in recent political theory. (2) The second aspect of the question of fact concerns the extent of the power exercised by the State. Is it absolute and unlimited, or are there bounds beyond which it cannot go, spheres into which it cannot enter, oppositions it is too weak to meet? The question here is not whether the State ought or ought not to be limited, but whether it actually is so or not. Here again pluralists insist that there is a division between them and their opponents, a division, however, which the latter seem unwilling to admit.

B. The question of right concerns the legitimacy of

the authority claimed by the State. Is political obligation founded upon a right to rule inherent in the State as a State, irrespective of the manner in which its power is used, or does it rest upon the value of some end, for the attainment of which the State is the necessary means? On the former supposition, political authority seems to be arbitrary and beyond criticism; on the latter, it depends for justification on the value of the service it renders to the social welfare. As emphasizing the primacy of law and right, the one theory may be called the jural conception of authority; while the other, starting from the idea of an end, is teleological in character. Pluralists ascribe the jural conception to the monists, as absolutists, appropriating the teleological idea to themselves.

Historically, the discussion of these questions has revolved about the notion of sovereignty. The traditional position has been that in any politically organized community it is necessary to recognize some supreme source of law, known as the sovereign. As such a source of law, the sovereign must be himself above law, and hence unlimited. As the ultimate law-making power, again, there can be but one sovereign in any single State. As issuing from such a supreme authority, laws are valid irrespective of their worth in terms of social value. A law is a sound law if it comes from a sovereign power. Traditionally, therefore, the doctrine of sovereignty has been monistic and absolute.

That this should have been the case is natural enough when we remember that this doctrine has been largely the product of legal minds interested in the theory from

the point of view of its value for law. And from this point of view what is needed is a single definite source of law to which appeal can be made in all cases of disputed legal right. The lawyer's task is finished when he has found the bearing of the law upon the particular case. It is not his business to go behind it and raise the question of its social value. It is sufficient for him that it is the actual law duly passed by the recognized law-making body. This law-making body is thus, in effect, for him, absolute.

The location of this legal sovereignty has of course changed with the changes in political organization. In Rome under the Republic, it was lodged in the popular assembly. Under the Empire, although the sovereignty had long since passed from the assembly, the tradition of it was maintained in the legal fiction that the actual law-making power of the emperor was a delegation from the people. Since as a matter of fact, however, the will of the prince had thus the force of law, this aspect of Roman jurisprudence tended to emphasize the primacy of absolute will.

With the rise of the modern centralized State this conception was used by the lawyers to support the authority of the crown, combined in some cases with the idea that such right to rule was of the nature of a property right inhering in the will of the individual sovereign, and transmissible by him through inheritance.

The development of democratic institutions involved the substitution of a parliament for a person as the source of law, but left the attributes of sovereignty virtually unchanged. The Leviathan of Hobbes, the general will of Rousseau, the determinate sovereign of Aus-

tin, are all invested with the absoluteness of supreme law-givers, knowing no legal superiors. The legality of law is due solely to its source in these absolute wills.

Meanwhile, however, alongside this legal interest in sovereignty, there had developed a philosophical interest in its basis: an interest that refused to stop with the legal source of the law, and insisted on raising the ulterior question of the nature of its authority over the individual. The fact that no legal limitations can be ascribed to the lawyer's sovereign by no means settles the philosophic problem of the rationality of this power, or the historical question of its actual extent. Although, as Hobbes saw, the sovereign cannot be unjust, in the legal sense of the term, he "may commit iniquity." The whole body of legal machinery, which, from the lawyer's point of view, is ultimate, is, from the philosophic standpoint, in need of further justification and authorization. Hence, from the seventeenth century on, we have the various systematic attempts to explain what is at the back of political authority.

It was only natural that these philosophical attempts should show the influence of legal theory, as well as of political practice. Government was justified as the expression of the wills of the members of the State, as being in some sense self-government. For Hobbes, the unity of this political will was expressed in the legal fiction of a contract, while in Rousseau, the political authority is conceived as residing in a real general will underlying the particular wills of individuals. Thus the unity of legal sovereignty is given support in the real unity of the authorizing body.

Again, the unlimited character of legal sovereignty

reappears in these other theories, though for various reasons. In Hobbes, the almost frantic desire to promote peace and order in the nation led to the exaltation of the State above all other authorities, especially the ecclesiastical. If men are to have the peace essential to their attainment of the highest good, the legal sovereign must be recognized as of right, and therefore in fact, absolute. Hobbes is not merely confusing government and the State; he is insisting that reasonably and practically our only salvation is to be found in making such an identification. As peace-loving beings we must consent to this self-imposed despotism. The collective will is of right absolute. This does not mean that such a collective will is always existent, for society may relapse into a state of nature; but only that so far as there is such a collective will it embodies in itself all rights.

Absoluteness characterizes Rousseau's general will, not merely as a matter of expediency for the maintenance of peace, but as involved in the very notion of such a will. As the deepest self of every citizen, it can recognize no superior. The individual has no rights against it, since it is not external to him but is the principle of his own moral life: he is himself this will.

This moral and metaphysical basis for the sovereignty of an absolute social will, taken up by Kant, developed by Fichte and Hegel, we have found represented in contemporary English thought by Bosanquet. The more typical English development, however, proceeded along the lines suggested by Hobbes, rather than by Rousseau, yet reached a conclusion in Austin not so very far removed from that of the idealists. Interested as he

was in social and legal reform, Bentham found the absolutism of Hobbes a useful instrument for his purpose. Society was to be made over, its irrational customs abolished, its unjust privileges destroyed, its absurd legal system swept away. A new order was to be introduced, founded on the principle of the greatest happiness of the greatest number, and made actual through the legislation of an enlightened government. To this end, power is necessary; hence, as in the case of Hobbes, social expediency is made the ground for the exaltation of the State, and the legal concept of sovereignty receives utilitarian justification. As legal reformers and empirical philosophers, the utilitarians were not interested in the more metaphysical aspects of the political problem. It was enough for them that there must be, somewhere and somehow, a determinate sovereign in whom the supreme power of the State was vested. Theories of a social contract, or of a general will, were not for them. The basis of the State, as of all things social, was to be found in its utility as the necessary means for the promotion of the general happiness. In the work of John Austin, this doctrine takes a form sometimes hardly to be distinguished from absolutism; since, in his eagerness to oppose the idea of natural rights, he tends to over-emphasize the dependence of rights upon law. Although such was not his meaning, it is easy to identify this "determinate human superior" with an all-determining power in the State, and to ascribe the absoluteness of this legal sovereign to the actually dominating power in society. In spite of its utilitarian basis, therefore, the Austinian doctrine often gives an impression

of arbitrariness and absoluteness inconsistent with its real principles, and in this respect approximates the conclusions of its idealistic rivals.

It is against these variously motived tendencies to exalt the State that recent pluralism is making its protest. Its own motives are essentially psychological and sociological. It refuses to take an abstract legal point of view, and to regard the law as merely a body of rules issuing from an arbitrary sovereign authority; but insists on going outside the whole system of law, and inquiring as to the ultimate source from which it issues, and the final purpose it is meant to serve. It wishes to transfer the issues from the field of legal convention to the sphere of social fact. Hence it challenges the idea of the State as the expression of an actual unitary social will, and of its sovereign authority as involved in the uniqueness and absoluteness of such a will. The only wills are individual wills, insists Duguit, and the laws of the State are only the expression of the conditions under which these wills can attain their ends in common. Even if these wills should be unanimous, they would have no right to impose themselves on others, since merely as wills they are all of equal validity, or of no validity. It is only as they further certain ends that they show differences of value, and have claims to respect. The State is not a sovereign will, but a public servant.

When one examines with fairness the doctrines of these opposing schools, one finds it difficult to recognize their antitheses to be as sharp as their adherents would have us believe them to be. To assert that the nature of the State is will, is not to deny that it embodies purpose.

Nor does the fact that, from the psychological point of view, all wills are individual, settle the question as to their content and relation. So, too, the fact that the State's power does not always correspond to its claims, still leaves open the problem of the validity of the claims themselves.

But without attempting to settle these problems of historical interpretation, let us try to find positive answers to the questions asked at the beginning of the chapter.

A. (1) In regard to the first aspect of the question of fact, we have to consider the State as constituted by individual wills, associated together for the sake of maintaining a system of rights and duties, or justice, upon the existence of which the attainment of the good life depends. There is no separate existing state will apart from these. What unity there is arises from the unity of purpose, rather than from the psychological unity of those who hold this purpose. The State thus represents the cooperative unity of individuals bent upon attaining their ends in common. These ends may differ, but they are the ends of individuals who are in their essential natures social, and who find themselves only in the community life of which they are a part. The State furnishes the organizing structure maintained by these individual wills for the promotion of this common life. The unity is thus not subjective and psychological, but objective and moral.

Nor can we say that all the individuals included in the State share in an equal degree the common purpose. There are indifferent and ignorant wills, anti-social and criminal wills; wills that merely acquiesce in the polit-

ical order, and those that actively oppose it. To say that in spite of surface appearances, all these wills share in a common purpose, since society is the medium in which alone each must find his proper good, is true, but misleading. It is true if we mean by purpose their real interest, the ideal fulfilment of their blind and wayward gropings after good; but it is not true if we mean a conscious and sincere interest in the organized life of the community. Even the lowest outcast may have the germs of political community in his loyalty to his own peculiar set, but it is idle to speak of him as one in purpose with the intelligent patriot, or as an organic member of a single public will. He is not a cooperative associate in the political undertaking.

We have to recognize, therefore, that the constituent elements of the State are individual wills, united only in part by a reflective consciousness of a common purpose; but for the most part bound together by habit, custom and tradition, and in some cases displaying even hostility to the public will. The fact, however, that these wills cohere, that they present the appearance of an organized individual body, that they are able to act as a unit—these things all suggest that we have to regard the State, if not as the expression of a common will, at least as the satisfaction of a common need. To bring this need into clear consciousness, and to give it the means for an ever more intelligent satisfaction, is the task of political education.

(2) In a superficial sense it is easy to give contradictory answers to the question of the actual power of the State. Thinking of it as the all-comprehending organi-

zation of the nation, the State, as the whole, seems omnipotent in comparison with its members. Their very lives are at its mercy. On the other hand, in the face of lawlessness, anarchy and rebellion, the claim to absolute power seems futile, and not worth contradiction. The confusion arises from the abstract uses of the term State as a name, either for a unity apart from its members, or for the members themselves. Taken concretely, the State is a group of wills partially unified on the basis of certain fundamental common needs, but often differing deeply on others. It is, therefore, in process of unification, rather than completely unified. And since its power is only the power of its organized members, this will be proportionate to the degree of its unification. So far as a political body fails to be animated by a community of spirit, just so far will it lack vital control of its own members. Its life as a State ceases with the introduction of deep-seated division. It becomes, as Plato saw, not one city, but two.

The continued failure of government to secure the assent of its subjects means the existence of such deep-seated divisions, and the decadence of the State. The form of political organization may persist, but its life has perished. Out of its death there may arise a new State, with a changed constitution, embodying a different principle, arousing a new loyalty, and able, therefore, to exercise control over its members, To such a new grouping, by virtue of its unity, sovereignty belongs; and it is only to such a unified group that the name of a State can properly be given. As we have seen, there may be various degrees of unity, from the highest plane of

moral loyalty down to the lowest grade of inert acceptance, or even passive resistance; but where real division begins, there sovereignty ceases, and there is an end to the State. There is a very real sense, therefore, in which we may say that the State, like the Old Guard, dies, but never surrenders.

If we understand the meaning of them, then, our choice of terms is relatively indifferent. If we choose to identify the State with a government representing a faction within a divided group, then there is no meaning in ascribing sovereign power to such a faction. But if we mean by the State only such a group as has actually attained to a measure of self-conscious unity, so that its differences are superficial, such a group is actually sovereign. Where this unity is only partially developed, as in all actual States, such sovereignty involves coercion. In an ideal community, as in an ideal character, control would be effortless, and coercion useless. The sovereign State is thus the transition form that society takes in its development from primitive uniformity through individualism to moral community.

B. The answer to the question of authority is virtually contained in what has been already said on the question of fact. The authority of law does not consist in the fact that it is the expression of a public will, which in itself has a right to command, but is due solely to its being the condition for the realization of the highest community life. It is not the mere fact of the bulk of the public person that counts, but the quality of life it makes possible by its laws. If these laws are prejudicial to the interests of the good life, their being the expres-

sion of the majority will is not in itself sufficient to justify their authority. This does not mean, of course, that the individual is free to disobey in all such cases, for the existence of public order, even though it be a poor order, is of value for the good life; but it does mean that no will, great or small, strong or weak, has a right in its own name to impose itself upon another. The authority of law is not arbitrary, it depends upon purpose.

But while we can accept the positive aspect of the pluralist that the State is a means to an end, its negative implications need qualification. To recognize that all institutions have value only as they embody a worthy purpose, is not to ignore the differences in the values of the purposes embodied. Because a political organization may be condemned for its failure to realize the political ideal, it does not necessarily follow that the political function itself has not a natural superiority to other social functions. We may recognize the universal fallibility of men and at the same time believe that some men have more truth than others. The purposes of men form a system, in which some are more fundamental and far-reaching than others, and possess corresponding authority. Thus the purpose embodied in a charitable association is more serious than that expressed in a social club, and the institution itself is on a higher plane.

In the case of the State this natural superiority is even more obvious. The function it fulfils as the guardian of justice makes its position fundamental in the complex life of modern society. It is not merely one institution among many, but the condition of all. Society is thus not a simple plurality of coordinate groups, but an or-

ganized system of institutions of differing value—differing not only in the efficiency with which they fulfil their functions, but also in the value of those functions themselves. It is the failure to recognize this fact that is the source of much of the confusion in the pluralistic doctrine. The assumption is made that because the State, like all other institutions, is subject to criticism on the ground of its efficiency, it is, therefore, on a level with all other institutions. One might as well argue that because the heart is subject to defect, its position in the physical economy is no more significant than that of the little finger. The State is a means, and often a defective means, to the common good, but it is not therefore without primacy among social organizations.

Our conclusion then is that sovereignty, in the sense of absolute and inalienable power, belongs to no social body, since society lacks the perfect moral community necessary to constitute such self-control. But the State, as the all-inclusive association, organized for the maintenance of the conditions of the higher life, has a presumptive claim to sovereignty possessed by no other. The realization of the ideals of all other associations would still leave them particular and limited; the fulfilment of the idea of the State would give it, so far as the sphere of the external life is concerned, true universality and authority.

IX

THE ORGANIZATION OF JUSTICE

IN Chapter VII we have seen that modern criticism of the State is directed, for the most part, not toward its abolition, but toward its transformation. It is not the State as such that is rejected, but a particular type of State, the so-called political State. Nor is it denied that the true function of the State should be the maintenance of justice, it is only contended that states as actually organized fail to attain this end, or even to seek it; and that, therefore, there must be a radical reorganization of structure through which the present political State shall give way to the functionally organized, or industrial, State. It is some of the principles implied in these criticisms that are to be examined in this chapter.

And first we must define a little more precisely what is meant by this thing justice that the State is supposed, or not, to promote. This, however, is not an easy task. Familiar as the idea is, it is so fundamental that its meaning is hard to fix with precision. Formally and in general, justice is simply a name for the essential political virtue: it is what the State does when it is functioning properly. But this does not get us very far since we want to know just what it is the State ought thus properly to do. A step forward might be taken by distinguishing between legal and social justice: the former involving the impartial administration of the laws

as given, the latter including the larger questions of the worth of the whole system of political organization in terms of social welfare. The strictest impartiality in judicial decisions may fail to secure the larger justice if the law itself is unjust. Though the duty of the State may be said to end in legal, it begins in social justice.

Underlying both conceptions, again, seems to be an idea of equality and disregard of non-essential differences, the giving to every man his due. We have legal justice when every man is treated according to the intent of the law, irrespective of the personal prejudices of the judge, or the relative strength of the contending parties. The nature of such justice is comparatively clear, since the intent of a specific law is generally easy to determine, but when we come to the nature of the equality involved in social justice, the matter is not so simple, for we have to do here, not with the intent of anything so precise as a law, but with the purpose implied in that vague and almost inaccessible entity known as the social will. A political system is just when it expresses adequately the social purpose, according to every man the place and treatment due him by virtue of his relation to that purpose. The equality involved in such justice is not an abstract or absolute equality, but only that implied in the disregard of all considerations not relevant to the end in view. What is due a man is not to be determined by an estimate of his intrinsic moral worth, but by reference to his value as a member of the community. The enrichment of the common life is the end, and that system is just that enables every man to make his best contribution to this cause. Inequalities

there may be, but so long as they are not arbitrary, or such as affect the relations of individual or class to the common good, they are not inconsistent with social justice. That some men should be highly educated and others not, is not unjust so far as the difference is due to intellectual endowment or personal character, but that the opportunity for the highest development should be denied on the ground of race or economic condition, is obviously unjust. It is not differences, but arbitrary and externally imposed differences, that constitute injustice —the differences that prevent a man from being his real self, or even from understanding what his real self might be. The freedom involved in justice is thus the freedom to discover and realize personality.

This is essentially the conception of Plato, that the justice of the individual consists in his doing his own proper business, fulfilling his own peculiar function; and that the condition of this is that balance and organization of the elements of life which makes up character. So, too, social justice for him consists in a similar organization of classes enabling the State as a whole to live its proper life. It is this idea of wholeness that dominates all of Plato's thought. Fragments, parts, have no meaning save as they get it through their organization into a whole. And it is justice as this principle of wholeness that is the essential virtue of the State. Were he to speak in terms of rights, as he does not, he would insist that the fundamental right of every man is to be treated as a part of that whole to which he properly belongs, and apart from which his life lacks unity and value. And it is because the controlling power of the State is

necessary for this orderly completeness of life that Plato sees it as essential to the highest living, representing as it does that "wise and divine power which ought, if possible, to be seated in the man's own heart, the only alternative being to impose it from without."[1] Only as the embodiment of such a wise and divine power, seeing and ordering all things from the point of view of the whole, can the State fulfil its function as the organizer of justice.

In the light of these conclusions the nature of the problem raised at the beginning of the chapter can be seen more definitely. The problem is that of the kind of organization best adapted to promote the associated activities making up the common life. How is the machinery of control to be constituted so that it will embody an adequate idea of the social good, and an intelligent interest in its realization? How is a faithful representation of the true social purpose to be secured, and the dominance of partial and anti-social interests to be avoided? How is the point of view of the wholeness of the community life to be made as available as possible for society?

Some form of representative government we may safely assume to be necessary, the rule of the benevolent despot being incompatible with the development of free personalities. It is true that we hear constantly of the dictatorship of the proletariat as necessary to social salvation, but this dictatorship is advocated as a war measure rather than as a permanent feature, and itself rests upon at least the semblance of representation. The real

[1] *Republic*, IX, 590.

problem is that of the basis of representation, whether it ought to be, as usually at present, geographical, a representative for the people within a given area; or whether it ought not rather to be functional, representing the various interests and occupational groups within the community irrespective of locality. As expressed by the guild socialists, this functionalism takes a very general form recognizing the right of all interests to be represented, but in communism the emphasis is placed upon the primacy of the economic organization as the real center of power, and the State becomes the agent of industry.

The guild socialists' position rests upon their contention that no man can be represented in his whole personality by another, but that at best some special interest may be represented by someone chosen for that specific purpose. It is not possible for a legislator to identify himself with the selves of the physicians, lawyers, capitalists, laboring men and others who make up his constituents, in such a way as to express their wills on the various points that arise in the course of a legislative session; but it may not be impossible for him to represent the attitude of either the lawyers, the laboring men or others, if he is specially chosen by some one of these groups to express their common interests. My special interest in my profession can be defined and committed to the care of a delegate, but my general interest in social life as a whole cannot be thus formulated and entrusted to another.

An extended quotation from Mr. Cole's *Social Theory* expresses the principle involved here. "It is impos-

sible to represent human beings as selves or centers of consciousness; it is quite possible to represent, though with an inevitable element of distortion which must always be recognized, so much of human beings as they themselves put into associated effort for a specific purpose.

"True representation, therefore, like true association, is always specific and functional, and never general and inclusive. What is represented is never man, the individual, but always certain purposes common to groups of individuals. That theory of representative government which is based upon the idea that individuals can be represented as wholes is a false theory, and destructive of personal rights and social well-being.

"The fact that man cannot be represented as a man seems so obvious that it is difficult to understand how many theories of government and democracy have come to be built upon it. Each man is a center of consciousness and reason, a will possessed of the power of self-determination, an ultimate reality. How can one such will be made to stand in place of many? How can one man, being himself, be at the same time a number of other people? It would be a miracle if he could; but it is a risky experiment to base our social system upon a hypothetical miracle."[2]

"It is obvious that different people are interested in, and good at doing, different things. It is therefore equally obvious that, if I am a sensible person, I shall desire to choose different people to represent my wishes in relation to different things. To ask me to choose one man

[2] pp. 105-6.

to represent me in relation to everything is to insult my intelligence, and to offer me every inducement to choose someone so colorless that he is unlikely to do anything at all—because he will at least probably do no great harm, and no great notice will be taken of him. This is how parliamentary elections usually work out at the present time.

"But, if I am asked to choose a different person to represent my wishes in relation to each of the main groups of social purposes of which I am conscious, I shall do my best to choose in each case the man who is most fitted to represent my views and to carry them into effect. In short, the one method will inevitably result in government by the incompetent; the other will at least give every chance for competent representatives to be chosen."[3]

In order that a man may be represented as completely as possible he must be a member of as many associations as he has interests, in each of which he will have a vote in the election of the group delegate. He will thus have a share in half a dozen delegates, each authorized to speak for him in one of his capacities, but no one with a blanket authority to represent him as a whole. Similarly there should be no one sovereign body legislating on every subject, but a system of coordinated functional assemblies, reducible perhaps finally to two, the political and the industrial.

The value of a political theory such as this of the guild socialists can, of course, only be adequately tested by experience. Every reflective person has had it forced

[3] *ibid.*, pp. 108-9.

upon his attention time and again that there is a woeful lack of harmony between his will and that of his so-called representative in the legislature. Elected upon a certain issue, that issue may have passed and a new one arisen, upon which no mandate has been given. Or, elected by a constituency of many conflicting interests, he may well be of so neutral a character as neither to antagonize nor to represent anyone. Only too often it seems as if it were mere geographical area that he represented, rather than men in their living interests; or, as some one has said, it is men in their sleep who are represented, rather than men in their waking activities. On the other hand, it is often enough evident that special interests are only too faithfully represented, though not by official appointment. What guild socialism proposes to do is to reorganize the State so that its real interests shall be represented, not secretly and partially, but openly and completely. If it can remedy these very real evils, without introducing others as great, it will have solved one of the hardest problems of political theory.

Before accepting the proposed change, however, there are certain considerations that ought to receive due weight. And first it is a rather absurd travesty of the argument for geographical representation to make it turn upon the possibility of the substitution of one "ultimate reality," as Mr. Cole calls them, for another. Representation means neither identity nor perfect substitution. It ought not to be necessary to deny that the representative is neither metaphysically identical with his constituent, nor a point to point equivalent for him. Even in Hobbes' theory of absolutism, in which the sovereign

is assumed to "bear the persons" of his subjects, there are very definite limits to the identification of the two parties. One may readily admit the inalienability of the individual will, and the miracle involved in a fusion of the souls of legislator and constituent, but yet not be forced to the theory of the functional State.

Indeed, one might go further and almost accept Mr. Cole's doctrine that "the representative represents not persons, but definite and particular purposes common to a number of persons."[4] For, again, it seems to be doing scant justice to the intelligence of the older theorists to attribute to them the idea of the representation of persons apart from their purposes. The representation of a group of persons, be it a geographical or a functional group, must be based upon some uniting purpose determining the selection, otherwise there is no meaning in the representation. To represent a person is to represent his purpose.

The real point of difference here, therefore, is not whether persons or purposes are to be represented, for they are inseparable, but whether these purposes of persons are exclusively definite and particular or whether they are also universal and therefore less definite in application. The functionalist contention is, by implication at least, that man is a bundle of separate interests and unrelated activities; and that to represent him in the only way possible is to represent these various distinct purposes. By virtue of this many-sidedness he comes into relation with many groups of similarly minded persons, each group expressive of one of his distinct selves,

[4] *Social Theory*, p. 107

and embodying the definite common purpose of its members. As associated with his fellows in such industrial, religious, fraternal, or educational groupings, he and they develop pretty clear ideas of what these several purposes are, and how they may best be realized. A delegate can then be selected and instructed who will represent, with a fair degree of accuracy, the specific purpose of each member of the group. His function will be to carry out this specific purpose, and this purpose only, as nearly as possible in the way demanded by his constituents. His not to reason why, his but to do or die, in the interests of the manufacturers, or the carpenters, or the schoolmasters, or whomsoever he may recognize as his principals. He is to vote and work, not as a man, but as an abstract human interest. His view is limited to the particular good for which his group is organized, values beyond these limits being no concern of his, save as they interfere or not with his specific good. The more definitely and closely he is identified with this special interest, the more nearly does he fulfil this idea of representation. Largeness of view, sympathetic insight into the points of view of others, are not the virtues that qualify for this office since they only serve to confuse the judgment by detaching the man from his group, and leading him to forget that he is properly and officially only the representative of a special interest.

With a voice in the election of several such delegates, according to the number of his major interests, a man is supposed to be represented as adequately as the nature of things will allow. It is admitted, of course, that even in these specialized groups differences of opinion will

render the delegate only approximately representative even of these partial purposes; yet on the whole it is felt that the individual, with a group of men to speak his mind for him, gets that mind expressed with a greater completeness than through the ordinary one-man medium. Or, perhaps, one might better say that he is likely to get his *minds* expressed in this way with greater directness and understanding than by the other method, since account is taken of his multiplicity of functions.

But while the existence of these many minds and the desirability of getting them thus directly and intelligently represented may be admitted, the question must also be raised as to whether we are not in danger of losing sight of the fact that man is a unity as well as a multiplicity, and that the former aspect needs representation as well as the latter. A man is not a bundle of unrelated interests existing side by side in a neutral medium. His purposes are not enclosed in water-tight compartments, shut off from all contact with one another and determined in their nature only by their own particular ends. The manufacturer may be a man who is interested in his neighbors and his children, and perhaps also in art, education and religion. What he might do as a pure manufacturer interested solely in developing his business, may very well not be identical with what he actually wills in the light of these other interests. So far as he is a reflective personality, these ends exist together in his self-consciousness, and, if not actually unified, present to him the personal problem of their unification. His real interest, in short, is not in these many particular activities in isolation, but in such a balance

and organization of them as shall express his unique individual disposition or character. Correspondingly, his final interest in groups and social institutions is in their organization as conditioning this unification of his life. The struggle between the organizations representative of labor and capital, State and Church, manufacturer and farmer, religion and education, is no external one, but has its roots in the conflict of interests within the self. The social unity is the condition of the highest personal unity.

In the light of these considerations the defect of the functional scheme becomes evident. In failing to represent this interest in the whole it misrepresents even the interest in the parts. The oppositions and antagonisms of groups are capitalized and represented at the expense of their harmonies, and a struggle for existence is encouraged in the place of cooperation and understanding. In being detached and isolated, interests become dehumanized, and the attempt to form them into a whole leaves us with a mechanism of mutually external parts, rather than with an organic unity. The delegates in such a system are not complete men elected to realize a public good, but bloodless abstractions representative of particular class interests. It is not that through human frailty they may fail to achieve a public good, it is that they are not even selected for that end. To hope for wholeness of vision from such single-eyed delegates, would seem as vain as to expect the attainment of truth from the multiplication of prejudice. All the evils of nineteenth century individualism seem reincarnated in this proposed competitive collectivism. Justice, as the

organization of society from the point of view of the whole, seems ill provided for in a system which treats the parts as if they were themselves wholes. Only as this interest in wholeness is recognized and provided for as the essential political interest, will the State be able to fulfil its function as the guardian of justice. For the State to fail in this is to fail essentially, and to merit its own dissolution.

If these dangers inhere in the guild socialist scheme with its provision for the representation of the many-sidedness of life, much more are they to be feared in the various forms of communism with their reduction of all interests to the economic. In view of existing industrial evils such a simplification of the social problem is intelligible, but not justifiable. Even though we recognize the fundamental character of economic conditions and the necessity for their adjustment, we are not justified in regarding them as the sole factors in social life or the only objects of the social will. A governing body whose membership is based solely upon the different ways of getting a living must be hopelessly inadequate to express men's ideas of the organization of life as a whole. To make the economic interest absolute is to ignore the history of civilization and to return to barbarism. It sees man as wealth-producer only, rather than as the sustainer of a varied culture in which his supreme interest is in giving every part its due.

In view of such radical difficulties as thus appear in both types of representative system, as well as of the insufficiency of the empirical data as yet available, it is not possible to reach unqualified conclusions. The evils

of the orthodox type are evident, those of the proposed substitute are to a large extent unknown, though surmised. The determining merit in the former is its recognition of the true purpose of the State as the organization of social life and the selection of representatives with a view to the attainment of this end. It takes, therefore, as the unit of such representation, not a group embodying a single abstract aspect of human life, but a local group forming a society in miniature with all its complexity and interrelation; the members of such a group belonging to it in their wholeness, and expressing in their action their judgments, not as lawyers or as churchmen, but as citizens of a State. It is true, of course, that they cannot divest themselves of their occupational or other prejudices, so as to vote as disembodied reasons; nevertheless, their prejudices are fused in each man's consciousness to form a concrete will more real and unified than any expressed in functional groups. A man is more truly a man in a neighborhood group, and acts more humanely and socially, than in his functional associations, since the former tend to unify his differences, while the latter emphasize them. In an occupational group a man is thrown with those of his own kind, hears only a single point of view, and develops violent antagonisms toward other groups. Witness the fanaticism, narrowness of vision, and unwillingness to compromise, wherever we have representatives of such special interests, be they miners or socialists or bankers. There is nothing unnatural in such narrowness, it is only the consequence of their acting as artificially isolated fragments of humanity rather than as whole men. In

the geographical group, on the other hand, men are brought together irrespective of their differences and forced to meet different points of view and mix with various types of men. Antagonisms are lessened, class interests become less absolute, and the conviction is fostered that unification through due recognition of all interests is necessary. The opposition of individuals is likely to be less than the opposition of functional groups.

Yet in these days it would be absurd to retain that ancient political prejudice against groups which found modern expression in Rousseau's demand that there should be no partial societies within the State, lest the individual's general will be corrupted by faction. Groups there must be to develop the personality of the individual, the question is only as to how they may best be used for the interest of the common good. Their value lies, as in all specialization, in the intensity of interest roused and the skill in adapting means to ends; their defect is in the obstinate narrowness of this interest. If, as the guild socialists are inclined to do, we give these groups a direct part in government by making them the basis for a chamber coordinate with the political, we are in danger of introducing their defects as well as their virtues. We would have the undeniable benefits of the interest and the special knowledge of these groups thus made directly available in government, but at the same time we would suffer from the intensified antagonisms both within the functional house and between it and its political fellow. The only way to eliminate the evil and retain the good would seem to be by leaving the political authority in the hands of the representatives of the

geographically determined groups, while associating with them for information and deliberative purposes the delegates of the functional bodies. This would have the advantage of placing authority where it properly belongs, in the body best representative of the wider outlook and the more comprehensive good; and at the same time make available for it the detailed information about the special interests which it usually, under present conditions, lacks. In a word, it would bring end and means together, and in their proper relation. How this is to be done is a problem not to be solved offhand, but that it might be done is suggested by various recent movements, such as the Whitley Councils, or, more particularly, perhaps, by the relation that has grown up between the labor unions and the government in Russia. There the unions, though not formally part of the Soviet Government, have come to play a significant rôle as recognized means for the coordination of the State and labor. Some such plan might be worked out for all the main organs of social function, resulting in cooperative councils, through which the special knowledge of these groups might be made available for the State, at the same time that their prejudices are not allowed to dominate it.

All this argument, however, may seem to some to rest upon possibilities only, and to ignore the hard fact that our present system of representation does not actually represent. If that is the case after these long years of trial, why not throw it away and see what we can get out of the new? Had the old been thoroughly tried and were the new sound in principle, such a course might be ad-

visable, but neither of these is the case. The functional theory is unsound in that it encourages, and even idealizes, pluralism by failing to provide for the expression of that will to harmony which is the essence of the political interest and the justification of the State. Had the traditional system been proved unworkable, it might well be that we should be forced to put up with a theoretically unsound scheme; but, in spite of its abuses, it has not yet been convicted as finally incapable of at least approximate realization. The agitation is largely a case of the inveterate human habit of taking the easiest way, and looking to a change of social machinery rather than to the reform of human life. Not that the two are unrelated—quite the contrary, they are in most vital relation; but ultimately it is the individual who is the real unit of social life, and whose spirit alone gives vitality to his institutions. Without his active interest in the common life, no political machinery will work; and it is the lack of such active interest that is now at the root of many of our representational ills. The growth of the special interests has outstripped that of the general interest, and social life has lost its unity. Our treasure is invested in our specific undertakings, and there our hearts are also. Until we can knit together again these fragments of the common life by the development of a unifying interest, we cannot hope to make any system work.

The practical problem, then, is not primarily that of devising new machinery for carrying out the social will, though that too may be necessary, but rather that of the re-creation of the social will itself. The people with-

in a local political division must be brought together under such conditions that they may, not merely become conscious of a community of purpose, but create and develop such a purpose. The centrifugal forces generated by the functional groups must be counterbalanced by the centripetal tendencies latent in all local relations. We must get down to the instinctive and sympathetic bases of human life, to the unity and understanding generated by personal contacts. If we can get human beings together just as human beings who live together, there is good hope that common interests can be found and common understandings promoted. If it is only a common interest in garbage cans, it is still a basis for human contact and human action. I am no longer a stranger and an alien to my neighbor in the next block, but like him in this vital respect of being a user of garbage cans and interested in their conditions. He may be a tinker and I a teacher, but there is now this tie that binds.

One hopeful movement in the right direction is the community organization plan illustrated by the Cincinnati experiment. It is true that the Social Unit idea is not directly political, yet it stands for the restoration of broken social relations and the promotion of that community understanding which is fundamental in a sound political life. The natural solidarity of tribe and nation, disturbed by the specialization of function, may perhaps be partially restored through conscious scientific effort in bringing to light the facts of social conditions, and in devising means for the collective handling of them. No one has preached neighborhood organization as the basis of political life more vigorously than

Miss Follett in *The New State*.[5] A few passages from her book will best suggest the advantages to be hoped from the movement. "Our proposal is that people should organize themselves into neighborhood groups to express their daily life, to bring to the surface the needs, desires and aspirations of that life, that these needs should become the substance of politics, and that these neighborhood groups should become the recognized political unit.

"Let us consider some of the advantages of the neighborhood group. First, it makes possible the association of neighbors, which means fuller acquaintance and a more real understanding. The task of creation from electrons up is putting self in relation. Is man the only one who refuses this task? One of the most unfortunate circumstances of our large towns is that we expect concerted action from people who are strangers to one another. So mere acquaintance is the first essential.

"Moreover, neighborhood organization gives opportunity for constant and regular intercourse. . . . Until we begin to acquire the habit of a social life no theory of a social life will do us any good. It is a mistake to think that such abstractions as unity, brotherhood, etc., are as self-evident to our wills as to our intellect. I learn my duty to my friends not by reading essays on friendship, but by living my life with my friends and learning by experience the obligations friendship demands. Just so must I learn my relation to society by coming into contact with a wide range of experiences, of people, by cultivating and deepening my sympathy and whole under-

[5] pp. 192 *ff*.

standing of life. . . . In a neighborhood group you have the stimulus and bracing effect of many different experiences and ideals. And in this infinite variety which touches you on every side, you have a life which enriches and enlarges and fecundates; this is the true soil of human development—just because you have here a natural and not an artificial group, the members find all that is necessary in order to grow into that whole which is true community of living.

"We can never reform American politics from above, by reform associations, by charters and schemes of government. Our political forms will have no vitality unless our political life is so organized that it shall be based primarily and fundamentally on spontaneous association. 'Government is a social contact,' was found in the examination papers of a student in a near-by college. He was nearer the truth than he knew. Political progress must be by local communities. Our municipal life will be just as strong as the strength of its parts. We shall never know how to be one of a nation until we are one of a neighborhood."

How far it may be possible to carry out Miss Follett's idea of making the neighborhood group the political unit, it is hard to say. The doctrine contained in her last quoted paragraph, however, that "political progress must be by local communities," is absolutely sound. A truly public opinion can be created only through contact and discussion, and this is possible only through the association of men of unlike types and diverse interests. It is in such concrete groups that there is to be found, if anywhere, the beginnings of a true common will; and

only from such beginnings can the political whole be constructed, or rather, grow. Until there is such a common will to be represented, no system of representation can give results.

A promising factor in the production of this essential social understanding is the participation of women in politics. No evidences of the near approach of the millennium have as yet appeared in consequence of the extended franchise, but there is at least promise in the eagerness for political information, the desire to hear all sides, as well as in the fact that women are not yet as specialized and vocationalized as men. They still remain more completely human, and therefore more interested in the organization of social life. Their tendency is not to accept the antagonisms of life as ultimate, but to hold fast to a belief that there must be some way to reconcile differences. With their more frequent entry into business they too will become more highly specialized, but they are not likely to suffer from it to the same extent as men have done. In spite of feminism, it still seems probable that they will continue to foster the values of human life in its wholeness; and, although given the franchise, that they will not lose the virtues of citizenship.

If political justice is to be realized in the State, then, it must be through some form of organization fitted to express the wholeness of life. And that wholeness of life must be regarded not as made up of the sum of antagonistic parts, but as a true whole in which natural oppositions have been overcome or modified by an interest in a common life. Such an interest in a common life we

have found to be best evoked and embodied in the personal intercourse of the neighborhood group, and it is this that must be represented in political control. Since it is no longer possible to conceive this ideal social interest as represented in the consciousness of a single ruler, it is necessary to lodge control in the hands of men as closely as possible identified with the common will. Such representatives will not perfectly represent, but they will more nearly fulfil this function if they stand for the local community rather than for the specialized functional groups. Such an assembly will at least be organized for unity. It will represent the State in its essential purpose as a coordinating body. That it falls short of its ideal is not a reason for impatiently casting it aside in the hope of constructing an impossibly perfect machine. It is rather a call to the creation of a true civic consciousness, without which all political organization is only the forcible suppression of anarchy.

X

LIBERTY AND DEMOCRACY

IN discussing the organization of the State, democracy has been assumed to be desirable, and the ordinary representative form of it has been found not so negligible as some would have us believe, the generality of the social will seeming to be best expressible through geographical representatives. But though democracy is a name to conjure with, like most terms in political, as in other forms of, conjury, its meaning is not always clear. Taken in its literal sense as the rule of the people, the nineteenth century, forgetful of ancient history, tended to see in it the panacea for all social ills. Make men their own masters and they will attend to their political business better than any privileged class of rulers has ever been able to do it for them. Like Socrates, they were unable to believe that men, if left to themselves, should not always seek the good. Votes for men seemed the goal of political desire, the essential condition of a free people. It is this identification of democracy and liberty that calls for some consideration.

The linking of the two terms is natural enough. If democracy is government by the people, it would seem that a self-governing people should be free. But a collective term like people is ambiguous, and there lurks in this identification a logical fallacy of division. It does not follow that because a people as a whole is free from class domination, that as individuals they are likewise

free. It may very well happen that in their joy at the overthrow of privilege, and their desire to guard against its reinstatement, they may impose upon themselves regulations strictly limiting their freedom. The people in their collective action may become the tyrants of themselves as individuals. Self-government is still government, and if it is true that the people govern, it is also true that it is the people who are governed. A dominant popular majority may prove a disagreeable, even though necessary, exchange for a considerate aristocracy, and freedom may vanish in a dictating proletariat. A democracy is only a people organized in a particular way for government, and whether it is to be free or not will depend, not merely upon the kind of organization, but upon the manner in which it is used. The modern world seems to believe that democratic machinery is best adapted to realize freedom, and perhaps it is right, but it would be a fatal mistake to take this truth for granted and, identifying means and end, assume that we had attained our goal when we had only secured the means for reaching it. The essence of freedom does not consist in a form of government, but in the character of the popular will finding expression through it.

The possibilities of divergence between democracy and liberty become more evident when we distinguish political from social democracy. The former means the equal right of all men to share in government, either directly or through their representatives: the latter implies such a form of social organization that each man shall be recognized for what he is intrinsically worth. A socially democratic society, therefore, is one in which the binding force of conventions is at a minimum, and

the individual is given the freest opportunity for self-expression. But to be one's self is not to be someone else, and hence the loosening of social restrictions should tend to the development of originality and difference. Men should cease to be unvarying repetitions of a single type and become uniquely their own personal selves. Quantity would cease to be significant, for there would be no human unit, each individual having his own worth and meaning. In such a society men would mind their own business and cease to trouble themselves over the fact that others were cast in different molds. Opportunity to be different would be freely granted.

To speak of this as a democratic, rather than an aristocratic society may seem to some a bit of pleasant irony, but such is not the intention. It may be morally aristocratic, if you will, in its recognition of personal distinctions, but it is socially democratic in its denial of privilege and of fixity of class distinction. It is a society in which the people, as individual human beings, obtain the largest measure of free expression; in which they are not merely units in a census, but persons in a community. The opportunity for development, in an aristocratic society confined to the few, is here possessed by the many; the expression of human nature in all its many-sidedness being recognized as necessary to the completeness of the common good. In this way alone can the *demos* really come into its own.

Social democracy, when understood in this sense, is thus seen to involve liberty, but before examining its relation to political democracy we must look more carefully at this idea of liberty.

Delisle Burns, in his valuable little book on *Political*

Ideals, distinguishes two meanings of political liberty. "It involves, first, the independence of the group to which we belong and is opposed to what is popularly known as foreign domination; and in the second place it implies that each individual is able to do what seems best to him."[1] This distinction is an important one, but in view of the many controversies that have been waged about the idea, it needs further elaboration. The division is made upon the basis of the possessor, or subject, of the freedom. From this point of view, we can distinguish national, class, individual and moral liberty; only the first three of which are properly political, though idealists often confuse the issue by including the last in their arguments. Thus we may consider ourselves free so far as we identify ourselves with a country not subject to foreign domination, as when the Englishman sings, "Britons never shall be slaves." This is the national liberty, about which usually centers patriotism.

But national independence may readily coexist with class subjection, and the fortunes of the State be guided by a narrow group, king, aristocracy, or wealthy oligarchy. Through the Whig Revolution of 1688, a large class of Englishmen obtained a different kind of freedom from that which they had enjoyed merely as members of their independent island State. So too it needed the French Revolution to sweep royalty away, and give internal freedom to the bourgeois class, though the nation as a whole had long been independent. And now the wage-worker, unable to identify himself with the State and therefore dismissing national liberty as insignificant

[1] p. 29.

for him, demands the completion of the series of internal liberations through the industrial revolution; as a consequence of which class subjection shall finally be ended through the establishment of the one-class State. With this levelling of society by the abolition of king, aristocracy and capitalist, the common man is to come into the enjoyment of what he believes to be true liberty. The capitalist class will no longer dominate the government and determine the conditions of labor, but the workers will themselves constitute the government and control the conditions of their own lives. The liberty that really matters is not freedom from foreign rule, but this industrial and political freedom from the subjection of class to class. Escape from what is called an industrial slavery, enforced through political dominance, seems to form the social goal of much of our modern agitation.

Whatever may be our views as to the present conditions, there can be no doubt that the abolition of the class struggle and of class tyranny would mark a distinct advance in the history of liberty. Lines of division would be drawn less sharply in the social body, possibilities of unity would be greater, and the individual could identify himself more easily with the State since its representatives would be men of his own class. He would be self-governed, not merely because his governors would be men of his own nation, but because they would be also of his own kind and station.

But while all this is perhaps true, although there are many considerations that might be urged in modification of it, it is also true that a man can no more be com-

pletely identified with his class than he can be with his nation. We have not yet reached the ultimate unit when we have penetrated from the nation to the group. Just as the former may be freed from the control of foreign powers and yet itself form a restricting environment for its included groups, so the latter may succeed in casting off these restrictions but still tyrannize over its component members. The problem of liberty is thus the problem of the discovery of the individual, and the freeing of him from the various concentric social layers that threaten to stifle him and impede his action. He has to be dug out not merely from his national, but also from his class group, and given the chance to be himself. Until this liberty for the individual is attained, we have not yet reached the social goal.

That the coming of the one-class State would not assure this freedom of the individual there can be no doubt. Indeed such freedom seems not to form part even of its ideal. The very meaning of it seems absent from the minds of many of these industrial reformers. Roused by the abuses of the present individualistic industrial system they rush to the opposite extreme, and hope to remove all social ills through scientific organization. Men are not to be allowed to stumble blindly along, preying on, or preyed upon by, their fellows: they are to be shown the way they are to take, and, if unwilling, must be made to take it. The emphasis is on social control, not liberty. To quote Mr. Bernard Shaw: "At present we need not compel any one to work, because if he does not he will starve unless he is a man of property. But guarantee him an income from the day of his birth

to the day of his death, and hold firmly to the resolve that, whatever else you will allow him to be, you will not allow him to be poor, and you will be forced to find some means of making him work on pain of national bankruptcy. You dare not, under such conditions, tolerate a single able-bodied idler, male or female." Any scheme of social organization which intends to get results must, in the nature of the case, exercise restraint over the conduct of its members. If the root of all evil is to be found, as the socialists say it is, in economic conditions, then it is evident that salvation must lie in the strict control of these conditions. What men are to do, and when, and where, and how—these must be matters of authoritative scientific direction, and not be left to the caprices of the individual. If salvation is to be external, so must be the means to it.

This desire to regiment mankind is, of course, the striking trait of all social reformers from Plato down to Lenin. If only the philosopher could become king he would make all things new, and in his own wise image. It is this that makes all Utopias, in spite of their many ingenious arrangements, suffocating. No man can live in a world of another's creation. Plato, indeed, knew this and presented his ideal as a principle of criticism, rather than as a plan of action. Later constructive socialists may perhaps have realized the same truth, but, at any rate, their ideals were generally such as to evoke no great popular demand for their testing. Today, however, the reformer is no longer a dreamer, but a man of action; and his ideal is no longer a suggestion, but a working plan for the millennium. Millions of men actually be-

lieve in his ideas, and in the desirability of their enforcement through political coercion. The philosopher-king has arrived, incognito perhaps, but with his essentially absolute will. In Russia today we find him in the guise of the communist party enforcing his will upon the many millions indifferent or hostile to his ideas. And in every country we have his followers eager to place him on the throne.

It is contended that such absolutism is no greater than that which it has displaced. This can hardly be granted for there is no despotism like that of a philosopher in power, convinced of the truth of his ideas and of their value for mankind. Politicians, doubting their own wisdom and knowing their own corruption, may hesitate in their legislation; but idealists, possessed by their vision of a better world, are bound to push their measures through to completion, undisturbed by doubt or considerations of self-interest.

But even though we grant that the one-class State is no more despotic than its rivals, this would not affect the point at issue which is merely that the freeing of a class is not equivalent to the liberation of the individual, so that the political problem is far from solved by the abolition of class subjection.

One reason why this is not as evident as one might expect is to be found in the tendency to confuse moral with individual liberty. It is assumed that the only true freedom is the freedom to act rationally. Any freedom other than this is mere license, and involves the bondage of a man to his own passions. Self-control is control by reason. If the individual happens to be lacking in this

reason, and society is called upon to supply it, this is assumed to mean, in the phrase of Rousseau, that the man is forced to be free. Freedom is thus contrasted, not with coercion, but with irrationality. The distinction between the personal reason of the individual and the impersonal reason of society is ignored, and a foolish man is assumed to be free though he be bound hand and foot by a wiser society. The constraint exercised upon his apparent will is really exercised by his deeper self and in the interest of his higher freedom.

Quite apart from the question of the desirability of this constraint, however, it is only confusing the issue to identify this with liberty. In Mill's words: "The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it."[2] And in the same spirit of English liberalism, Sir William Harcourt said: "Liberty does not consist in making others do what you think right. The difference between a free Government and a Government which is not free is principally this—that a Government which is not free interferes with everything it can, and a free Government interferes with nothing except what it must. A despotic Government tries to make everybody do what it wishes, a Liberal Government tries, so far as the safety of society will permit, to allow everybody to do what he wishes."[3] It is true that such liberty will result in a far less trim and tidy world than if men were left to the care of a wise governor. There will be

[2] *On Liberty*, chap. I.
[3] Speech at Oxford, 1873. Quoted by Harold Cox, *Economic Liberty*, p. 170.

much irrationality, and moral as well as economic waste. Men's ideal selves may remain largely undeveloped and they may be in bondage to their own appetites. Nevertheless, in spite of this failure in moral freedom and self-control, they may be better off than if they were under the care of wiser political shepherds, who, in guarding them from harm, may have deprived them of their personal responsibility. Their going astray in their unshepherded condition is their own action, while their correctness under authority may be that of their shepherds. The inclinations by which we are said to be led astray and alienated from our true selves, are yet recognizably ours, but the political reason to whose guidance we are asked to submit, is sometimes alien beyond power of recognition. But for political self-government the self must be a recognizable self.

Of course, were this moral liberty obtainable through the coercion exercised by the group, there would be no objection to such an arrangement, but experience has proved time and again that this is not the case. The moral liberty of the individual is an end to be wrought out by himself in free relation with his community, and not something to be imposed upon him from without. The reason in his group is not his reason, and its control is not identical with his own self-control. Such an identification is the goal of social development, but it cannot be taken as a present fact and made the basis of the political means by which the attainment of the goal may be furthered.

Turning now to political democracy as the means by which it is hoped to realize social democracy and in-

dividual liberty, we find a somewhat doubtful relation between this means and the desired end. The principles involved and suggested seem different. It is true that the people are emphasized both in the political organization and the social ideal, but whereas the latter recognizes their essential quality as individuals, the former merely counts them as voters. To put it in the old utilitarian formula, political democracy means that every one is to count for one and no one for more than one. The principle is one of equality: as voters, no man is better than any other man, or even different from any other man. Spendthrift and banker, wise man and fool are all alike on election day. Votes are counted, not weighed.

Guild socialism would get away from the obvious disadvantages of this purely quantitative way of regarding men by its system of plural voting, giving to every man a vote in each major association to which he belongs, thus assuring him an influence proportionate to the number of his interests. The intention is good, but, apart from the point as to whether such a plan could be called democratic, it is questionable whether it would prove satisfactory to any save the possessors of the most multiple franchise, presumably its academic authors. Moreover, this conception of man as a kind of politically multi-cellular organism, to be given weight in proportion to the number of his cells, is not itself free from the suspicion of emphasizing quantity rather than quality. It is not the mere multiplicity of interests that gives political value to a man, but rather the depth and social quality of his personality, and this may often be possessed by the man of few external associations in higher

degree than by him of many. To give a man votes in proportion to his groups would be to encourage a class of professional "joiners."

Even if we would, therefore, there seems no external device by which in a political democracy we can escape from the principle of numerical equality expressed in the "one man, one vote" maxim. We have to accept all men, as the ultimate units of which society is composed, as having worth in and for themselves, and, therefore, from this point of view, as having an equal stake in the fortunes of the community. His life, however poor, is each man's all, and there is no external common measure by which we can determine officially how great weight it ought to have in the government of the nation. Objective differences in social value have to make themselves felt, not officially through the ballot, but through the subtler channels of social intercourse.

It is this limitation, due to the necessary externality and clumsiness of political machinery, that makes political democracy not merely not synonymous with liberty, but often even antagonistic to it. Men confuse this equality of voting power with equality of worth, and tend to eye with suspicion all those manifestations of social difference, in which, as we say, a free society tends to eventuate. The necessity of settling political questions by majority vote seems to suggest that mere numbers furnish a standard of right and wrong, and that there must be some moral obliquity in any divergence from the thought or action of the average man. Although every man has a chance to have his will recorded, it is the will of the majority that prevails and gets the pres-

tige of success. *Vox populi, vox dei*, is not a new idea, and the divine right of the majority has a firmer foundation in the popular mind than had ever the divine right of kings. It is true that a government representing the majority has always the wholesome fear before it of finding itself repudiated by its supporters, but for the majority itself this fear has little weight; and it tends to work its will, sustained by the consciousness of its own infallibility, and undisturbed by the dissent of an opposing minority. A small ruling group is forced to maintain itself by preserving the balance between opposing interests, but the majority is itself one of these interests, and, being the strongest for the time, is little troubled about its own security. To secure liberty in a political democracy is not impossible, but it is difficult, since it depends not merely upon a form of government, but upon the spirit of the people.

No thinker of the nineteenth century was a firmer champion of democracy than John Stuart Mill, but no man saw more clearly its dangers. His classic little book *On Liberty* is the necessary supplement to his work on *Representative Government*. In the former he writes:

> The will of the people, moreover, practically means the will of the most numerous or the most active *part* of the people; the majority, or those who succeed in making themselves accepted as the majority; the people, consequently, *may* desire to oppress a part of their number; and precautions are as much needed against this as against any other abuse of power. The limitation, therefore, of the power of government over individuals loses none of its importance when the holders of power are regularly accountable to the community, that is, to the strongest party therein. This view of things, recommending itself equally to the

intelligence of thinkers and to the inclination of those most important classes in European society to whose real or supposed interests democracy is adverse, has had no difficulty in establishing itself; and in political speculations "the tyranny of the majority" is now generally included among the evils against which society requires to be on its guard.[4]

It was to guard against this tyranny that Mill, in the second of the books mentioned, urged his plan for the representation of minorities through a system of preferential voting. The idea is finding increasing support in these days, and undoubtedly has value, if only as a way of emphasizing the truth that a minority *has* rights. But as a protection of the ultimate individual against whatever group he may belong to, the plan has obvious limits in the inevitable possibilities of opposition between even the minority group and its component members. The difficulty is inherent in all representative government and is only partially overcome even in a direct democracy, where nothing stands between the citizen and the final action. Yet because of this more immediate apparent influence of the individual upon the group decision in direct democracy, its various forms also have been gaining favor as aids to liberty. The initiative, referendum and recall, all appeal directly to the individual and put upon him the responsibility for the decision. If things do not turn out as he wants them to, it is not because he has not had a voice in the matter, but because others have failed to agree with him, or because he did not himself know how to get what he really wanted. He has at least been free to try to carry out his will.

[4] chap. I

These two limitations, however, are very real ones. On the relatively few questions involving moral issues, the individual may be fairly competent to make his own decision, but on the many problems of public policy where a knowledge of history, finance, social welfare or law, is necessary, he is likely to be hopelessly at sea and at the mercy of every breath of public or journalistic opinion. He may be exercising a formal freedom in registering his opinion, but he lacks the real freedom resulting from a knowledge of the situation.

And having cast his vote he may find it neutralized by an overwhelming contrary opinion. The result of the referendum may mean public action directly contrary to his most fundamental principles, yet as a good citizen he is bound to accept the decision and play his part in a cause not his own. But this is only the ordinary duty of citizenship, it may be objected, and no real infringement of liberty: it is only being a good sport and playing the game according to the rules. Very true, but the point is just that, that all citizenship, be the democracy representative or direct, does involve subjection of the individual to the will of the majority. No matter how cunningly our political machine is constructed, no mechanical device is able to overcome the possible opposition of the one and the many in group action. Since public action is one, and opinions are many, some of the latter are bound to be constrained.

The only liberty then for which one can hope, even in a democracy, is a moderate and tolerant liberty. It involves the renunciation of our instinctive, passionate wills, and the cultivation of a spirit of compromise and

cooperation. Essentials have to be emphasized and non-essentials minimized. There is involved a kind of mystic social faith that in the yielding of our natural desires to the public will there is involved some greater gain than in their maintenance against the social opposition. Harmony and toleration must be felt as greater goods than the fiercer joys of antagonism and self-assertion.

No one in recent times has expressed more vividly than Mr. Santayana the contrast between this moderate kind of liberty, which he identifies as English, and the more passionate, absolute sort. The whole of this brilliant chapter on English Liberty in America ought to be read, but a few passages will suggest its purport.[5] This English liberty is grounded in cooperation, and the practice of it presupposes two things:

> . . . that all concerned are fundamentally unanimous, and that each has a plastic nature, which he is willing to modify. If fundamental unanimity is lacking and all are not making in the same general direction, there can be no honest cooperation, no satisfying compromise. Every concession, under such circumstances, would be a temporary one, to be retracted at the first favourable moment; it would amount to a mutilation of one's essential nature, a partial surrender of life, liberty, and happiness, tolerable for a time, perhaps, as the lesser of two evils, but involving a perpetual sullen opposition and hatred. To put things to a vote, and to accept unreservedly the decision of the majority, are points essential to the English system; but they would be absurd if fundamental agreement were not presupposed. Every decision that the majority could conceivably arrive at must leave it still possible for the minority to live and prosper, even if not exactly in the way they wished. Were this not the case, a decision by vote would be as alien a fatality to any minor-

[5] *Character and Opinion in the United States*, chap. VII.

ity as the decree of a foreign tyrant, and at every election the right of rebellion would come into play. In a hearty and sound democracy all questions at issue must be minor matters; fundamentals must have been silently agreed upon and taken for granted when the democracy arose.

The omnipresence in America of this spirit of cooperation, responsibility, and growth is very remarkable. . . . Everywhere cooperation is taken for granted, as something that no one would be so mean as to refuse. Together with the will to work and to prosper, it is of the essence of Americanism, and is accepted as such by all the unkempt polyglot peoples that turn to the new world with the pathetic but manly purpose of beginning life on a new principle. Every political body, every public meeting, every club, or college, or athletic team, is full of it. Out it comes whenever there is an accident in the street or a division in a church, or a great unexpected emergency like the late war. The general instinct is to run and help, to assume direction, to pull through somehow by mutual adaptation, and by seizing on the readiest practical measures and working compromises. . . . It is implicitly agreed, in every case, that disputed questions shall be put to a vote, and that the minority will loyally acquiesce in the decision of the majority and build henceforth upon it, without a thought of ever retracting it.

In contrast to this Anglo-Saxon spirit of compromise, of a willingness to yield a point here for the sake of another there, stands the radically un-English insistence on absolute principle. To such passionate minds, to yield a point is to yield the whole, and thus betray the cause of absolute truth. The liberty they want is liberty to follow the truth, and to make all others follow it.

A fanatic, a poet, a doctrinaire, a dilettante—any one who has a fixed aim and clear passions—will not relish English liberty. It will seem bitter irony to him to give the name of liberty to something so muffled, exacting, and oppressive. It makes impossible the sort of liberty for which the Spartans died at Ther-

mopylae, or the Christian martyrs in the arena, or the Protestant reformers at the stake; for these people all died because they would not cooperate, because they were not plastic and would never consent to lead the life dear or at least customary to other men. They insisted on being utterly different and independent and inflexible in their chosen systems, and aspired either to destroy the society round them or at least to insulate themselves in the midst of it, and live a jealous, private, unstained life of their own within their city walls or mystical conclaves. Any one who passionately loves his particular country or passionately believes in his particular religion cannot be content with less liberty or more democracy than that: he must be free to live absolutely according to his ideal, and no hostile votes, no alien interests, must call on him to deviate from it by one iota. . . . Such was the aspiration even of the American declaration of independence and the American constitution: cast-iron documents, if only the spirit of cooperative English liberty had not been there to expand, embosom, soften, or transform them. So the French revolution and the Russian one of today have aimed at establishing society once for all on some eternally just principle, and of abolishing all traditions, interests, faiths, and even words that did not belong to their system. Liberty, for all these pensive or rabid apostles of liberty, meant liberty for themselves to be just so, and to remain just so forever, together with the most vehement defiance of anybody who might ask them, for the sake of harmony, to be a little different. They summoned every man to become free in exactly their own fashion, or have his head cut off.

In these picturesque passages from Santayana, we have the final problem of the relation of democracy and liberty presented with great clearness. Liberty of this second absolute type means either anarchy or despotism, usually both in historical succession. It is anarchy in so far as it involves a fierce rejection of all restrictions and a ruthless carrying through of the purposes of the indi-

vidual. It is despotism in so far as it means the banding together of the like-minded to impose their passionate truth upon those of a different faith or of a less fervent temper. And historically the freedom of anarchy has always been transformed into the despotism of a great liberator or of a fanatic group.

The only liberty then that is worthy of the name is the moderate English liberty, in which intelligence has taken the place of passion, and a regard for the whole has tempered an absorption in the parts. It is not the natural liberty of an individual in the wilderness, but the social liberty of the citizen among his peers. Its problem is not how to take the individual out of his social relationships and give him a world of his own where his "right there is none to dispute," but how, while remaining in the midst of these relationships, he may still be possessed of himself and his freedom.

When the problem is put in this way it is easy to see that its true solution is social and moral rather than political, depending upon the relation of the will of the individual to that of his fellows, and not merely upon some form of electoral machinery. The secret of liberty is community, for until that is attained there will always be the antagonism between the many and the few that spells constraint, not merely for the few, but also for the many who are antagonized by them. The ideal of social freedom is to be found in a group of friends, aware of one another's differences and interested in their development, but equally aware of an underlying unity of spirit and ready to subordinate their own differences for the maintenance of the common understanding. In such a

group individuals are not externally limited by one another, but are interpenetrated by a common spirit that enlarges and enriches their own lives. The personality of each is interpreted by that of his fellows and reflected back upon him in a greater and more sympathetic understanding of life as a whole. Only through such community, sustained by voluntary action, can the individual escape from the constraints of alien wills and achieve true social freedom. Improved democratic machinery may do something to register more accurately men's wills, but until those wills themselves are socialized the result will not be liberty.

And the attainment of this essential unity is not a mere matter of economic readjustment, as most of our present-day popular reformers assume. Economic readjustment may be imperative, but by itself it can do no more than mitigate conditions. For the economic interest, as an interest in the getting and holding of material goods, is in itself a selfish and divisive interest, and contains no limit to its own expansion. Public ownership, the abolition of capitalism, these involve only certain restrictions upon the activity of the acquisitive instincts, but not real modifications of the instinct itself. The rules of the contest would be changed, and perhaps some handicaps adjusted, but the contest would itself persist and social unity be threatened. Collective bargaining may help the individual and his group, but it will not ensure economic peace; nor would compulsory equality mean liberty or union. St. James is not usually looked upon as an authority in economics, but he has put his finger on the ultimate source of social strife.

From whence come wars and fightings among you? Come they not hence, even of your lusts that war in your members? Ye lust, and have not: ye kill, and desire to have, and cannot obtain: ye fight and war, yet ye have not, because ye ask not. Ye ask, and receive not, because ye ask amiss, that ye may consume it upon your lusts.[6]

So long as we are in the sphere of economic rearrangement we are dealing with externals, and so long as we are dealing with externals we can look only for compromise and temporary truce. Labor may be able to wrest from capital a fairer share of the returns and thus improve its status as a group, but there is in such adjustment no guarantee of permanence. The economic interests as such involve a ceaseless urge for more and any limitation can be only temporary. Even though the group absorb all others, the conflict will subside only to break out afresh between its individuals. The victory of the proletariat will no more bring social peace and liberty than the victory of the allies has brought political liberty to Europe. Unless the acquisitive impulses of the individual are moderated by a sincere interest in justice for its own sake, all external control will still leave him a menace to his neighbor's freedom.

To realize this, however, is not to dismiss the economic question as unimportant. The free life is possible only on a basis of generous possession, and the present economic struggle is justifiable and necessary. The good life presupposes life, and life involves appropriation. But we are in present danger of over-emphasizing the needs of the economic man, and of assuming that the social problem can be settled on an economic basis. In

[6] *James*, IV, 1-3.

economic self-seeking there is no principle of unity, and therefore no basis for freedom. Out of wealth-seeking individuals we cannot build a free community. As Bertrand Russell puts it, it is only in the development of the the creative impulses—industrial, artistic, scientific—that we have the conditions for a sound social organization, since it is only through an interest in these that men are brought into cooperation with their fellows.

XI

THE FINAL LOYALTY

ASSUMING then that liberty does not follow automatically from a democratic organization of the State, but is dependent upon the relation existing between the wills of its members; and assuming also that if it is to be a genuine liberty it cannot be absolute, but must involve interdependence and mutual limitation on the part of the members of the social whole; we must look briefly at the conditions and limitations of such liberty.

The chief natural rights, as the fundamental conditions of liberty are usually called, are those of life, freedom of movement, property, and liberty of thought and speech. Unless a man can live in security, move about and change his occupation freely, possess and control the means of subsistence and happiness, and be free to speak his mind, he can hardly be reckoned as having truly human freedom. Of these the first three, as the most necessary and obvious, have long since secured substantial recognition. As virtually the conditions of a bare animal existence, society could scarcely exist without them. But the need for freedom of thought is the product of a more advanced state of society, so that the demand for it has been less insistent and its recognition less certain. Not until the primitive group solidarity has begun to disintegrate under the influence of increased security from foreign foes and the development of in-

ternal wealth, do these rights of mind come to take a place comparable to that of property. Only as thought becomes active enough to develop differences of opinion is the pressure of collective tradition felt as constraining. Until intellectual life is really born, there can be no understanding of its needs. A new and practical country like America is noticeably behind even England in this respect, and even within it one can feel differences between east and west. It is only as thought becomes important that conflict develops over its results.

But while historically freedom of thought comes late, from the point of view of importance it stands first among human rights, since thought is the medium in which all rights come to clear consciousness, and the instrument by which they are defined. Rights hitherto vaguely recognized and little understood, are transformed through intellectual analysis and criticism, acquiring new meaning and wide-reaching extension. It is only as thought is free, therefore, that social and political development is possible. Thought not free is not thought at all.

But not merely is liberty of thought necessary for the development of all other rights, in a very real sense it may be said to be the very end and essence of all true human liberty. As the body exists for the sake of the soul, so the physical rights get significance in freedom of mind. Give man life, liberty of movement, and property, and he may be no more than a well fed animal. It is only as he possesses his own mind, and his thought ranges freely over all subjects in heaven and earth, that he is truly himself. When his mind to him a kingdom is, he is free indeed.

In its more specific application to politics, however, it is perhaps the converse aspect of this truth that needs emphasis. If the individual needs this freedom of mind for his own highest development, he can get it only as others also appreciate it and guard it. Thinking, and by thinking is meant all the higher intellectual life of man, is not purely an individual product but is socially conditioned. The problems, the suggestions, the materials for thought, are furnished by the life about him: the contribution of the individual is his point of view and his judgment of value. The thinker is not the product of his environment, yet neither is he the precipitate of a vacuum. The principle of biogenesis holds of intellectual as well as of physical life, ideas need ideas for their fertilization. Without such fertilization the higher life of society is bound to degenerate and die, and even its practical activities will suffer.

It is this necessity for stimulus and food that makes intellectual freedom not merely a luxury for the individual, but a duty to the community. If society is to enjoy vigorous life it must be fed, and a man has no more right to withhold his ideas from market than he has to hoard his grain. Nor is it wiser for society to hinder the means of intellectual communication than it would be to neglect its transportation and terminal facilities. Obstruction of either means a limitation of life. Hence the popular emphasis upon the *right* of free speech fails to express the full meaning of the situation. It is not merely because a man is personally inconvenienced by such limitations that he ought to be freed from them, but because society itself needs his ideas and therefore should enable him to give them. It is the *duty* of free

speech that ought to be emphasized if we would place the matter in its true relation to social life as a whole.

This is the truth insisted upon by Socrates in his defense before the Athenian people. It was not for the personal right, but for the duty, of free speech that he was willing to die.

> I am not going to argue for my own sake, as you may think, but for yours, that you may not sin against God by condemning me, who am his gift to you. For if you kill me you will not easily find a successor to me, who, if I may use such a ludicrous figure of speech, am a sort of gadfly, given to the State by God; and the State is a great and noble steed who is tardy in his motions owing to his very size, and requires to be stirred into life. I am that gadfly which God has attached to the State, and all day and in all places am always fastening upon you, arousing and persuading and reproaching you. You will not easily find another like me, and therefore I would advise you to spare me. I dare say that you may feel out of temper (like a person who is suddenly awakened from sleep), and you think that you might easily strike me dead as Anytus advises, and then you would sleep on for the remainder of your lives; unless God in his care of you sent you another gadfly.[1]

In these words we have the whole philosophy of the political value of free thought and its necessary accompaniment, free speech, for deprivation of the latter means limitation of the former. The community needs the spur of ideas to rouse it from the slumber of tradition and urge it on to fresh accomplishments.

It is only too true, as Socrates himself suggests, that the State is not likely easily to find another gadfly like him. Fortunately, however, the value of the intellectual gadfly does not depend wholly on the worth of the ideas

[1] Plato, *Apology*, 31.

he offers as irritants, but mainly on the intellectual reactions set up in response. Ideas in themselves worthless may call out in response thoughts of incomparable value. Witness the *Republic* of Plato as the reply to the theories of the Sophists. Had not Athens been teeming with all sorts of free ideas, the world would have lost its greatest contribution to political philosophy. It is true that in the case of Socrates the city gave way to its natural irritation and attempted to meet thought with violence, but Socrates is himself the best testimony to the liberality in general of Greek civilization, and his death the best evidence of the futility of departing from the tradition. Any ideas are better than no ideas at all, for where there are ideas there is life, and where there is life there is hope. If the ideas are bad they will evoke other ideas and through their conflict truth will emerge. And only through such conflict, for truth is not a finished thing, attained once for all, but a living, active energy of thinking, called out by the emergencies of life, and significant only as rediscovered by the thinker. To guard it by violence is to lose it, for it lives only in its contact with its kind. Even were the State competent, therefore, to distinguish between true and false, it would be doing its members no service by suppressing the latter, since this is far from being equivalent to the promotion of the former. Only as men cease to be afraid of ideas, and obey that injunction of the fearless religious experimentalist, "try all things, hold fast to that which is good," is there any hope of the attainment of truth. It is natural enough, of course, that those who are strangers to ideas should be timid in their presence. The rem-

edy, as in the case of shying horses, is in familiarity which, while sometimes breeding contempt, always at least removes that nervous apprehension which tends to invoke the police. Ideas are seen to be somewhat further removed from action than practical men had at first thought. There dawns a consciousness of an intellectual world in which ideas balance ideas, conclusions are held only tentatively, and action may be delayed for centuries. Indeed were these apprehensive ones wise they would take advantage of this antithesis between thought and action, and, by encouraging the thinker in his abstractions, free the world from the danger of their practical application.

All this may be true, it may be admitted, with reference to the ideas of the serious thinker, but the case is different where we have to deal with the rabid speech of the irresponsible agitator, bent upon making trouble in the interest of some impossible ideal. The distinction might be drawn, perhaps, if we could credit the State with the insight necessary to draw it with precision, but such is by no means the case. Our legal methods of analysis are far too inadequate, and the prejudices of those in authority far too strong, to make the attempt safe. We can indeed make our present discrimination against words which are immediate incentives to violence, but even here it needs much common sense and great objectivity to escape injustice. Even if we could, however, credit the State with this insight, our principle would still hold true that it is only through experience of good and evil, truth and falsity, that the life of reason is developed, and not through seclusion in a social nursery.

The moral then of this discussion is this: that since the liberty of the individual can be secured only through the active presence in the community of a liberal attitude of mind, its fundamental condition is to be found in this freedom of thought without which such liberality is impossible. The community life in which alone the individual can find his freedom cannot be created by force; it must be created from within by the intelligent wills of its members. It is true that intelligence is not enough and that to knowledge must be added sympathy, but sympathy by itself tends to prejudice and intolerance, and needs the illumination of intelligence. And the means for the development of both is free discussion, by which men are brought face to face with the facts and with one another, and opportunity is given for the evocation of that common will which is the goal of the social process. The State cannot produce this common will, this is the moral task of the individual, but it can at least furnish the conditions for its growth through the protection and furtherance of free discussion.

But granting that a perfect common will does not exist, and that its creation is a moral problem, we have to face the question of what the duty of the individual is when he finds himself in opposition to the dominant authority in his State. Is he to assume that the will of the majority is his final authority, and that the government adequately represents that will, or are there times when obedience ceases to be a duty? Is his final loyalty to the government, to the people, to an International, or perhaps to something more and higher than all these?

In discussing these questions we will assume the mor-

al point of view that the individual as finite, imperfect, incomplete, is a conscious member of some larger whole to which he owes allegiance, the only problem being as to the nature or location of this larger whole. We may probably also assume with safety that he is, by virtue of his physical body, necessarily part of some national group from which he derives a physical and social heritage, and with which he has to act if he is to act effectively. To cooperate he must play the game according to the rules and accept the decisions of the government as, in all ordinary cases, binding. The problem arises only where loyalties conflict, as when obedience to the government seems to threaten disloyalty to the people. The principle in this case, however, has usually presented few difficulties, men being pretty well agreed that resistance to a tyrannical or usurping government is justifiable, although the signs by which a tyranny is to be recognized as such may be hard to determine. A William Tell, a Hampden, a Patrick Henry, are illustrations of the situation. These men felt themselves primarily not subjects of a government, but members of a people, and in the name of the people were willing to withstand their rulers.

The problem becomes more difficult when the conflict is not between a sovereign or ruling class and the great body of the people, but is between the people and a few conscientious objectors. In the former case the resistance seems to be in the name of the democratic principle of self-government, in the latter there is suggested the abdication of popular rule in favor of individual liberty. The will of the majority is met and resisted by

the will of the few, the people are not allowed to exercise control over their own members so far as this particular point is concerned. The body politic seems threatened with partial paralysis.

On the face of it such obstruction seems unjustifiable: were it general, all government would be impossible. But when we analyse the situation more thoroughly we find that under certain conditions such resistance may be not only allowable, but necessary. The problem turns upon the relation in which the individual stands to the community. If he is opposing it from without, in the interests of himself as an individual upon whom the action of the majority bears too heavily, he has no proper standing. As a mere obstruction to the will of the majority he has no basis upon which to found a claim to its consideration. His pleasure and convenience are no more to the State than those of an antagonistic alien. He is, in fact, not an organic part of the social body, although externally remaining in it and sharing in its privileges.

If, on the other hand, his opposition does not arise from such an external standpoint, but is the expression of an intimate identification with the social will itself, the case is otherwise. He is now speaking in the interests of the group itself, and has a right to the consideration due a true member of it. It is one of its own voices it hears, and one of its own impulses it feels, and wisdom demands that it listen and consider. So far as the objector is serious, it is his view of the reasonable course versus the views of the majority of his fellow citizens. Were the majority view that of a single superior reason, the individual might well be content to merge his will in

that of his fellows; but the opposition to him is only the expression of many individual reasons, each one perhaps no better than his own, and often united mainly by a wave of popular passion. No voice can be counted out, therefore, as insignificant and its counsel ignored merely because the majority is against it, since not even the judgment of the majority can be taken as the infallible expression of the true social purpose. All sincere voices are partial expressions of that purpose, and although decisions have to be made by counting numbers, it is impossible to take that crude method as determinative of the wisdom of the decisions made.

Nevertheless decisions good or bad have to be made, and minority counsel, even though considered, may have to be rejected by the dominant party in the State. What then is the serious objector to do? Two things have to be taken into account by him: the nature of the principle involved, and the effect of his own action in bringing about his purpose. If the issue is only one of policy, or of minor ends, there would seem to be no ground for resistance. If, however, the issue seems to involve the national character, and conformity appears to mean the violation of moral principle in oneself and the condoning of it in the nation, it may then be that it is time to consider whether the occasion does not demand the extreme protest of standing out against the will of the majority in order the better to bring it to a realization of the meaning of its action. But questions involving such moral issues are rare in political life, and there are extremely few occasions calling for martyrdom. Moreover, there has to be taken into account not only the mo-

mentousness of the issue, but also the effect of the individual's protest upon it. Not all men are fit to be martyrs. If opposition to the State is to promote a higher moral end than would be realized by conformity, it must be the evident expression of high moral purpose. Unless the objectors are men of such social intelligence and blameless good will that only those blinded by the passions of the controversy are able long to construe their actions as those of the ignorant and fractious, then protest will be useless. The State is expected to run counter to fools and criminals, it is only when it does violence to the saints that men pause to consider. The voice of a man who is willing to die for his beliefs carries weight, but it must be free from contention and self-will. The voice must be a voice from the people, and the suffering willingly borne.

Under such conditions it may be the duty of a man to resist the State, but he must also recognize that the State has its own duty to resist him. The conscientious objector often acts as if his were the only conscience in question, instead of admitting that there may be consciences on the side of the State. It may be a case of principle against principle, and however mistaken he may think the State to be, he is bound to show it the same charity he demands for himself. Since it is essentially a domestic difference, there is no justification on either side for insult or unnecessary violence. It is the interest of the social body that is in question, and however necessary it may be at times to constrain or to resist, no good can come from indignity to either side. So long as either State or individual moves upon the plane of vio-

lence and passion, there can be no question of justification for either. Only as the appeal is to the principles of an ideal community life, do we come into the region of moral values. The problem for the individual is as to whether his conscience is clean enough, his vision clear enough, and his devotion to his people great enough to make him the spokesman of the nation's better self. It is impossible to deny the existence and the justification of such prophets of the people, but it must be a very wise and very humble man who can venture to feel that the call has come to him to be the mouthpiece of the ideal.

But if the final word does not rest with the government, since it often misrepresents the people, nor with the people, subject as they are to personal and race prejudice, is the court of last resort to be found in the judgment of the world, considered as the larger unity of which nationalisms are the component parts? Are we essentially citizens of the world, and are its interests our most vital concern, and its word the final truth? There is much in current thought to suggest some such cosmopolitanism as this, and many facts as well to form its basis. Already before the war nationalism had been undermined by the international extensions of commerce, science, and art. Men's interests had long outgrown the boundaries of their state and become world-wide; in part with the objectivity of science and art, but more often with the individual aims of predatory business. But for good or bad the field had become the world, and political boundaries had lost much of their vital significance. The apparent reversal of this process by the world war with its stimulation of race antagonisms, is only

apparent, for in spite of the present confusion, with its wars and rumors of war, there never has been a time when the sense of the inter-relatedness of the world was more keen, or the desire for the organization of it more wide-spread. In spite of our divisions, there is a sense in which we are more truly citizens of the world today than were the citizens of the Roman Empire. Our world is bigger, our organization looser, but there is present in most of us a growingly effective sense of the whole, never before realized save in the thoughts of the prophetic few.

There are those who would interpret this growing world consciousness as meaning the death of nationalism, and the freeing of the individual from his allegiance to the dead sovereign. For them the final loyalty is to no political body, but to their economic class, irrespective of national lines. "Workers of the world unite," is the expressive rallying cry of this international socialism.

It is unnecessary to repeat here the criticism of the attempt to organize life upon a purely economic basis. No class interest, even though enlarged to world proportions, is great enough to express the meaning of life as a whole, and to claim the allegiance of the moral personality. The cause must be something more significant than economic prosperity if it is to appeal to the deepest loyalties of human life.

When we give a larger interpretation than the economic to this idea of world citizenship there seems more to be said in favor of its finality. The whole seems greater than any of its parts, and its good more significant and imperative. A parliament of mankind might appear to be

an authority higher than that of the British Parliament or the Congress of the United States.

But in the first place, there is as yet no such authoritative world body representative of the interests of mankind as a whole. Even though we were to grant the desirability of such a World State, the laying of its foundations in public opinion can scarcely be said to have begun. Hague Tribunals, Leagues of Nations, these are very far from exercising the authority over the individual implied in the idea of a World State, nor, in the light of past experience, is it obvious that such a political organization of the world is desirable. If we find difficulty in making our present overgrown States expressive of the social will, what could we expect from the organization of mankind? The tendencies of the day look rather toward decentralization and local responsibility than toward the creation of a super-State. If some sort of federation should ever be effected its powers would be of the most general and external nature, and its authority of far less weight than that of the present national State.

Moreover, any effective international organization must be inclusive rather than exclusive of national loyalties. The citizen of the world cannot be a man without a country if his life is to be rooted in the social tradition, without which, as we have seen, he cannot be properly human. His citizenship must begin at home if it is to be more than an oratorical profession of faith. Internationalists are right enough in their demand that our interests should transcend our political boundaries, and that we should think in world terms; but too often they seem to

interpret their injunction as meaning that our interests should begin with our boundaries, and that our thought should forget its national alphabet. A sound international federation must rest, not on the destruction of national loyalties, but on their interpretation and fulfilment.

If economic and political internationalism, then, furnish no ultimate court of appeal from the authority of the State, we must find the object of our final loyalty beyond the limits of the actual in the ideal of the perfect community. Such an "ideal human society is an all-inclusive community of individuals, engaged in mutual cooperation and interpenetrating one another with mutual affection, a community constituted by and expressing itself through mutual helpfulness, support and love."[2] Of such a community, the politically organized society, implying as it does the antagonisms of individuals and of classes, and involving as it must the use of force to meet these antagonisms, is a very inadequate expression. Its very nature as an organization of bodies in space condemns it as a perfect embodiment of the moral will. Hence Plato, after having sketched the character of the ideal man, raises the question whether he will be able to take part in political life.

If his chief concern is with moral development, I suppose he will not consent to interfere in politics.

By my faith, you are wrong, I replied; for he certainly will,—at least in his own city, though perhaps not in his native land, unless some providential accident should occur.

I understand you, he replied. He will do so, you mean, in the

[2] D. F. Swenson, *Journal of Philosophy, Psychology and Scientific Methods*, XVII, 253.

city whose organization we have now completed, and which is confined to the region of speculation; for I do not believe it is to be found anywhere on earth.

Well, said I, perhaps in heaven there is laid up a pattern of it for him who wishes to behold it, and, beholding, to organize himself accordingly. And the question of its present or future existence on earth is quite unimportant. For in any case he will adopt the practices of such a city, to the exclusion of any other.

Probably he will, he replied.[3]

This is idealism, but what does it mean? Does it imply acquiescence or activity? reform or revolution? liberalism or radicalism. Is it a suggestion that the contemplation of the idea of the perfect city is to compensate us for the sordid actuality, or does it means that the obligations of the present are to have no weight with him who looks to a fairer future State? Does the interest in the ideal demand the overthrow or the transformation of the actual?

Whatever Plato may have meant, there can be no doubt that any intelligent idealism must take account of the conditions of the present. An ideal is not an independent abstraction, but is always the ideal of some specific conditions, the possible value of which it expresses. To be truly interested in an ideal is to be interested in what can be made out of what is here and now. The road to the celestial city starts at our feet and must be travelled one step at a time. Professor Woodbridge's homely maxim is a sound one: "Start from where you are, work with what you've got, and go on in the direction of the best that beckons you." A sound idealism must keep its

[3] *Republic*, 592.

feet on the ground, wherever its head may be. It is doubtless true that we cannot understand the present except as we see it in the light of its ideal future, but it is equally true that we shall fail to apprehend that ideal future save as we view it in its relation to our historically conditioned present. Our problem is not the divine problem of absolute creation, but the human task of transformation. Society has a life, a character, a law of its own; and it is folly to attempt to solve the social problem and at the same time to ignore the history and spirit of the body with which we have to do. If our ultimate loyalty, then, is to the ideal community, we must remember that our only point of contact with that ideal is in the present, and the only means of realizing it is through loyal cooperation with the forces already instinct with it. The function of an ideal is not to condemn the imperfect present, but to aid in the intelligent fulfilment of its implicit purpose.

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